

# Wisconsin State Legislature

SENATE CHAIR  
**ALBERTA DARLING**

317 East, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882  
Phone: (608) 266-5830



ASSEMBLY CHAIR  
**ROBIN VOS**

309 East, State Capitol  
P.O. Box 8593  
Madison, WI 53708-8953  
Phone: (608) 266-9171

## Joint Committee on Finance *100<sup>TH</sup> ANNIVERSARY 1911 - 2011*

### MEMORANDUM

To: Members  
Joint Committee on Finance

From: Senator Alberta Darling  
Representative Robin Vos

Date: October 4, 2011

Re: 14-Day Passive Review Approval – DOA

Pursuant to s. 46.46(2) and 48.567(), Stats., attached is a 14-day passive review request from the Department of Administration, received on October 4, 2011.

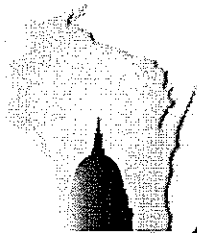
Please review the material and notify **Senator Darling** or **Representative Vos** no later than **Friday, October 21, 2011** if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AB:RV:jm





**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**SCOTT WALKER**  
GOVERNOR

**MIKE HUEBSCH**  
SECRETARY

Office of the Secretary  
Post Office Box 7864  
Madison, WI 53707-7864  
Voice (608) 266-1741  
Fax (608) 267-3842

**Date:** October 4, 2011

**To:** The Honorable Alberta Darling, Co-Chair  
Joint Committee on Finance

The Honorable Robin Vos, Co-Chair  
Joint Committee on Finance

**From:** Mike Huebsch, Secretary *MH*  
Department of Administration

**Subject:** Income Augmentation Plans

Enclosed are plans that have been approved by this department under the authority granted in ss. 46.46(2) and 48.567(2). The explanation for each plan is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2011-12</u> <u>AMOUNT</u>	<u>FTE</u>	<u>2012-13</u> <u>AMOUNT</u>	<u>FTE</u>
DHS 20.435(8)(mb)	Income augmentation services receipts	\$15,659,400	0.00	\$0	0.00
DCF 20.437(3)(kp)	Interagency and intra- agency aids; income augmentation services receipts	\$9,349,600	0.00	\$0	0.00

As provided in ss. 46.46(2) and 48.567(2), the plans will be approved on October 25, 2011, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about the plans.

Please contact Kirsten Grinde at 266-1353, or the analyst who reviewed the plan in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments





**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**SCOTT WALKER**  
GOVERNOR

**MIKE HUEBSCH**  
SECRETARY

Office of the Secretary  
Post Office Box 7864  
Madison, WI 53707-7864  
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TTY (608) 267-9629

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October 4, 2011

The Honorable Alberta Darling, Co-Chair  
Joint Committee on Finance  
317 East, State Capitol  
Madison, WI 53702

The Honorable Robin Vos, Co-Chair  
Joint Committee on Finance  
309 East, State Capitol  
Madison, WI 53702

Dear Senator Darling and Representative Vos:

Pursuant to ss. 46.46(2) and 48.567(2), the Department of Health Services and the Department of Children and Families have submitted to the Department of Administration a plan for expenditure of \$25 million in federal income augmentation funds. I have approved the attached expenditure plan with modifications which will fulfill statutorily required reductions, make contractual payments, meet prior commitments and support biennial budget lapse requirements.

To meet prior commitments, \$11.8 million will be used to support items approved under 2011 Wisconsin Act 32, meet routine administrative expenses associated with collecting the revenue and other contractual commitments to counties. These include:

- \$9,078,300 will support costs under the HealthCheck initiative
- \$1,102,200 will support administrative costs of augmenting federal income, including the Statewide Eligibility Unit that processes Title IV-E child welfare eligibility determinations, and
- \$1,600,500 to support contractual obligations.

In addition, \$1.7 million will be used to address the calendar year 2010 Title IV-E foster care deficit. The remaining \$4,727,500 will lapse to the general fund and be applied against the Department of Children and Families' allocated portion of the \$174 million biennial lapse required under s. 9255(1) in Act 32.

In addition, I am recommending that an additional \$3.4 million be lapsed to the general fund and be applied against the Department of Children and Families' biennial lapse requirement. The department has claimed and received approval for those funds through June 30, 2011, but as of the date of this letter, has not received the funds in



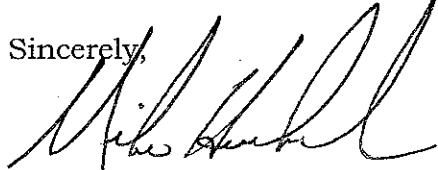
October 4, 2011

Page 2 of 2

its accounts. However, the funds will be deposited prior to June 30, 2012, and can be counted toward the fiscal year 2011-12 lapse requirement in Act 32.

Committing these funds to comply with expenditures approved in Act 32, meet the state's contractual and administration obligations, and help offset the state lapse requirement fully expends the available income augmentation funds claimed and approved through June 30, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Huebsch", written over a horizontal line.

Mike Huebsch  
Secretary of Administration

cc: Members, Joint Committee on Finance  
Bob Lang, Legislative Fiscal Bureau  
Brian Hayes, State Budget Office  
Kimberly Liedl, Governor's Office  
Dennis Smith, Department of Health Services  
Eloise Anderson, Department of Children and Families





**Date:** September 28, 2011

**To:** Mike Huebsch, Secretary

**From:** Sarah E. Grimsrud, Executive Budget & Policy Analyst

**Subject:** Department of Health Services and Department of Children and Families Income Augmentation Request

Attached is the Department of Health Services' (DHS) and Department of Children and Families' (DCF) fiscal year 2010-11 income augmentation plan covering revenues deposited and reconciled through June 30, 2011. Under ss. 46.46(2) and 48.567(2), the departments are required to submit the income augmentation expenditure plans to the Department of Administration by September 1st. If the Secretary of the Department of Administration approves the plans, they must be submitted to Joint Committee on Finance by October 1st under 14-day passive review.

The following analysis combines the two departments' plans. Also attached for your signature is a letter to the Joint Committee on Finance to accompany the plans. We have discussed the plans with department staff, and based on their answers to our questions, we recommend approving the departments' plans and lapsing an additional \$3.4 million to the general fund in fiscal year 2011-12.

**BACKGROUND:**

The income augmentation program began in 1996 and has focused on claiming federal IV-E (child welfare), Medical Assistance and Medicare funds. Since its inception, the state has claimed over \$433 million in income augmentation revenues. The fiscal year 2010-11 income augmentation plans reflect final payments for claiming services with the Department of Health Services' contract with Maximus.

**REQUEST:**

In fiscal year 2010-11, the income augmentation program generated \$25.0 million in total revenue. Total revenue is reduced for statutorily mandated county payments, administrative expenses related to claiming the additional revenue and prior commitments in statute. Tables summarizing the available revenues and the departments' request are presented below.

**REVENUE SOURCES:**

The departments generated gross income augmentation revenues of \$25,009,000 in fiscal year 2010-11 from the following sources:

<b>Total fiscal year 2010-11 Income Augmentation Revenue</b>	
<u>Revenue Source</u>	<u>Amount</u>
Targeted Case Management	\$14,330,200
MA HealthCheck Initiative	\$10,678,800
<b>Total</b>	<b>\$25,009,000</b>

Items Reducing the Total Available Revenue

Of the \$25.0 million in available revenue, the Department of Health Services' prior statutory commitments and administrative expenses include:

- \$9.1 million transferred to the Medical Assistance Trust Fund under 2011 Wisconsin Act 32,
- \$263,400 payment to the Office of Blind and Visually Impaired under Act 32,
- \$4.5 million lapse to the general fund under 2011 Wisconsin Act 10,
- \$228,500 to Maximus for administrative services related to the claiming of revenue,
- \$1,372,000 to counties for participation expenses related to HealthCheck, and
- \$217,200 for the department's administration expenses.

The Department of Children and Families' prior statutory commitments and administrative expenses include:

- \$2.0 million lapse to the general fund under Act 10, and
- \$885,000 for the department's costs related to the administration of the income augmentation program.

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**Total Available Income Augmentation Revenue after  
Prior Statutory Commitments and Administrative Expenditures**

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	Claim	Maximus Payment	County Payment	Prior Statutory Commitments and Admin.	Total Available
Targeted Case Management	\$14,330,200	(\$0)	(\$0)	(\$0)	\$14,330,200
MA HealthCheck	\$10,678,800	(\$228,500)	(\$1,372,000)	(\$9,078,300)	\$0
Office of the Blind & Visually Impaired	\$0	(\$0)	(\$0)	(\$263,400)	(\$263,400)
DHS Fiscal Year 2010-11 Lapse	\$0	(\$0)	(\$0)	(\$4,500,000)	(\$4,500,000)
DHS Administrative Expenses	\$0	(\$0)	(\$0)	(\$217,200)	(\$217,200)
DCF Fiscal Year 2010-11 Lapse	\$0	(\$0)	(\$0)	(\$2,011,200)	(\$2,011,200)
DCF Administrative Expenses	\$0	(\$0)	(\$0)	(\$885,000)	(\$885,000)
<b>Total</b>	<b>\$25,009,000</b>	<b>(\$228,500)</b>	<b>(\$1,372,000)</b>	<b>(\$10,180,500)</b>	<b>\$6,453,400</b>

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**Income Augmentation Plan**

After expenditures are made for prior statutory commitments and administrative expenses related to claiming the additional revenue, approximately \$6.5 million remains to be allocated.

Title IV-E Foster Care Deficit

The Department of Children and Families requests allocating \$1,725,900 to cover the Title IV-E foster care deficit. The department previously borrowed Title IV-E foster care revenue from its calendar year 2011 budget to cover this deficit in calendar year 2010, leaving a similar deficit in the calendar year 2011 budget.

Lapse Plan

The Department of Children and Families would lapse the remaining \$4.7 million in fiscal year 2010-11 income augmentation underspending to the general fund in anticipation of its finalized 2011-13 lapse requirements. While the Secretary of the Department of Administration has not finalized a plan for allocation of the \$174 million lapse under Act 32 in the 2011-13 biennium, it is anticipated that the \$4.7 million in income augmentation revenue will partially offset the Department of Children and Families' allocation.

Additionally, at the time the Department of Children and Families submitted its income augmentation proposal, the department had claimed an additional \$3.4 million targeted case management revenue, but had not received the funds from the federal government. It is anticipated that the department will receive this revenue in fiscal year 2011-12 and could also lapse these funds to further offset its allocation of the \$174 million lapse in Act 32.

Program Improvement Plan

As part of its 2011-13 budget request, the Department of Children and Families requested \$25,000 PR annually to develop new training and curriculum materials for the subsidized guardianship program. Act 32 did not provide this funding and required the department to submit a proposal for a subsidized guardianship training curriculum and a statewide guardianship training program, including an estimate of the cost of providing that training program, as part of its annual income augmentation plan.

The department developed a curriculum to train counties in the use of subsidized guardianship and included it with the income augmentation plan, along with training materials and a link to the new subsidized guardianship policy and forms. The department reallocated base funds and existing staff resources to cover the cost of developing and implementing the training program and has not requested any additional funds to develop the subsidized guardianship program.

**Summary of DHS and DCF Income Augmentation Plan  
(as modified by the Department of Administration)**

<b>Summary of DHS and DCF Income Augmentation Plan</b>	
Revenue available after vendor, county, statutory and administrative payments	\$13,228,000
Additional Targeted Case Management revenue for fiscal year 2011-12	\$3,400,000
Less: Department of Health Services' Prior Commitments	(\$4,763,400)
Less: Department of Children and Families' Prior Commitments	(\$2,011,200)
Less: Title IV-E Foster Care Deficit	(\$1,725,900)
Less: Department of Children and Families fiscal year 2011-12 lapse	(\$8,127,500)
Less: Program Improvement Plan	(\$0)
<b>Balance</b>	<b>\$0</b>

Mike Huebsch, Secretary  
Page 4  
September 28, 2011

**RECOMMENDATION**

Approve the plan with the additional lapse of \$3.4 million in targeted case management revenue. The departments have worked collaboratively with the Department of Administration to submit an income augmentation plan that meets ongoing obligations and prior budget commitments.

cc: Brian Hayes  
Kirsten Grinde  
Michelle Gauger  
Jennifer Kraus



State of Wisconsin  
Department of Health Services

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Scott Walker, Governor  
Dennis G. Smith, Secretary

September 1, 2011

Mr. Mike Huebsch  
Secretary  
Department of Administration  
101 East Wilson Street  
Madison, WI 53703

Dear Secretary Huebsch:

As provided under s. 46.46(2), I am submitting for your consideration the plan for federal income augmentation revenues generated by the Department of Health Services.

This plan covers revenues deposited and reconciled in FY 11. As required by Wisconsin Statutes, the Department transfers Targeted Case Management collections to the Department of Children and Families.

Amounts collected under the HealthCheck Other initiative are deposited into the MA Trust Fund per Act 20.

The Department has prepared this plan in coordination with the Department of Children and Families. If you have any questions, please contact Andy Forsaith (266-7684) or Cheryl Johnson (266-5869) at DHS.

Thank you for your consideration of this request.

Sincerely,

Dennis G. Smith  
Secretary

Enclosure



# Estimated Revenues Available for the 2011 Plan

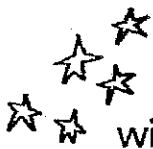
	<u>MA-TCM (1)</u>	<u>MA-Health Check Other Services</u>	<u>TOTAL</u>
TOTAL AVAILABLE	\$ 14,330,268.00	\$ 10,678,770.00	\$ 25,009,038.00
Claim Filing Expenses		\$ (228,477.00)	\$ (228,477.00)
Payment to Counties-MA		\$ (1,372,020.00)	\$ (1,372,020.00)
Support of Ongoing Projects	\$ (217,200.00)		\$ (217,200.00)
NET TOTAL AVAILABLE	\$ 14,113,068.00	\$ 9,078,273.00	\$ 23,191,341.00
PRIOR COMMITMENTS			
State Fiscal Year 11 Lapsed	\$ (4,500,000.00)		\$ (4,500,000.00)
Office of the Blind & Visually Impaired (2)	(\$263,400.00)		\$ (263,400.00)
Transfer to DCF	\$ (9,349,668.00)		\$ (9,349,668.00)
Transfer to MA Trust Fund (3)		(\$9,078,273.00)	\$ (9,078,273.00)
			\$0

## NOTES

- (1) Represents amounts claimed and paid as of 6/30/11 for services through March 2011.
- (2) Per 2009, Act 28.
- (3) Per Act 20, a portion of the revenue is provided to counties to pass through a support cost increase to RCC's and to reimburse counties for their administrative costs relative to the Health Check/Other Services initiative, and the remaining revenue is transferred to the MA Trust Fund.







wisconsin department of  
**children + families**

201 East Washington Avenue, Room G200  
P.O. Box 8916  
Madison, WI 53708-8916

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*cc BKH*

*KG*

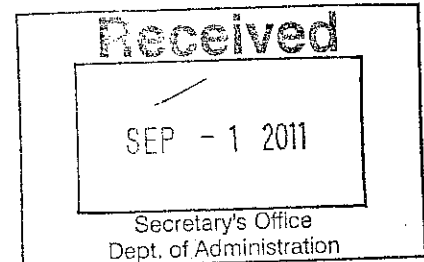
*JAK*

Governor Scott Walker  
Secretary Eloise Anderson

Secretary's Office

September 1, 2011

Mr. Mike Huebsch, Secretary  
Department of Administration  
101 East Wilson Street  
Madison, WI 53702



Dear Secretary Huebsch:

As provided under s. 48.567(2), I am submitting for your consideration the plan for federal income augmentation revenues generated by the Department of Children and Families.

This plan covers Targeted Case Management (TCM) revenues received from the Department of Health Services and IV-E revenues reconciled in SFY11. The Department anticipates being able to continue to work with the Department of Health Services to pursue revenue maximization efforts.

This plan, summarized below, allocates revenues to meet Department administrative costs in securing the TCM funds and covers a IV-E deficit for CY 2010. The plan also accounts for the lapse of \$2,011,200 required under 2011 Wisconsin Act 10. Finally, the plan recommends lapsing \$4,727,568 to the general fund to meet the Department's lapse target for the 2011-13 biennium.

**Revenues Available for 2011 Plan**

Total Available from DHS	\$ 9,349,668
Less: IV-E Foster Care Deficit	<u>(1,725,900)</u>
<b>Net Total Available</b>	<b>\$ 7,623,768</b>

**Prior Commitments**

Statewide Eligibility Unit Contract	\$ (885,000)
SFY11 Act 10 Lapse	<u>\$ (2,011,200)</u>
<b>Total Commitments</b>	<b><u>\$(2,896,200)</u></b>

<b>Lapse to General Fund</b>	<b>\$ 4,727,568</b>
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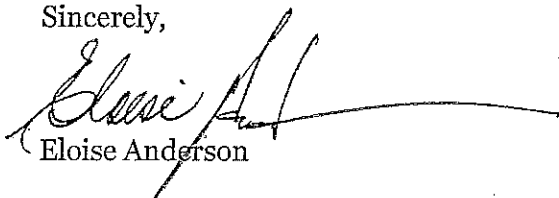
In addition, attached is the Department's subsidized guardianship statewide plan and training curriculum as required by 2011 Wisconsin Act 32, Section 9108(1u)(b), including the numbered memo issued to child welfare agencies, supporting attachments, and a PowerPoint presentation that will be used to train county and tribal child welfare staff and child placing agencies.

T 608.266.8684 F 608.261.6972 [dcf.wi.gov](http://dcf.wi.gov)

Mr. Mike Huebsch  
September 1, 2011  
Page 2

If you have any questions, please contact Bob Nikolay at 261-4349. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eloise Anderson", with a long horizontal flourish extending to the right.

Eloise Anderson

Enclosures

## **Subsidized Guardianship Training**

As directed by 2011 Wisconsin Act 32, the 2011-13 biennial budget, the Department of Children and Families (DCF) has implemented Subsidized Guardianship on a statewide basis effective August 1, 2011. The program is another option for achieving permanence for children living in out-of-home care.

The Department developed a curriculum to train counties in the use of Subsidized Guardianship. Training materials include the attached power point, and the policy and forms available at the following link:

[http://dcf.wisconsin.gov/memos/num\\_memos/DSP/2011/2011-09.pdf](http://dcf.wisconsin.gov/memos/num_memos/DSP/2011/2011-09.pdf)

To provide training on a timely basis, the Department began conducting training sessions of child welfare staff in August. Two trainings were held for case management staff in the Bureau of Milwaukee Child Welfare on August 8<sup>th</sup> and 9<sup>th</sup>. A statewide webcast training will be held in the beginning of September, which will be accessible by all county and tribal child welfare agencies, as well as contracted case management organizations. The webcast training will be archived for later reference and for staff who were unable to participate. Department staff will provide on-site technical assistance sessions throughout the state during the months of September and October. The dates, times, and locations of these sessions will be distributed through the Department's Bureau of Regional Operations.

In addition, during the months of July, August, and September, Department staff are conducting presentations on the basic legal elements of the Subsidized Guardianship program for directors of local human service agencies in all regions of the state.

The Department reallocated base funds and used existing staff resources to cover the cost of developing and implementing the training program.



STATE OF WISCONSIN  
Department of Children and Families  
Division of Safety and Permanence

DSP Memo Series 2011 - 09  
August 2, 2011  
Re: Subsidized Guardianship Policy

To: Area Administrators/ Human Services Area Coordinators  
Bureau Directors  
Child Placing Agency Directors  
Child Welfare Agency Directors  
County Departments of Community Programs Directors  
County Departments of Developmental Disabilities  
Services Directors  
County Departments of Human Services Directors  
County Departments of Social Services Directors  
Indian Child Welfare Directors  
Licensing Chiefs/Section Chiefs  
Tribal Chairpersons/Human Services Facilitators

From: Fredi Bove   
Administrator

**Background**

Under the 2011-13 state biennial budget 2011 Wisconsin Act 32, the Division of Safety and Permanence (DSP) has created the statewide Subsidized Guardianship program as another option to assist agencies in achieving permanence for children living in out-of-home care. This memo issues the policy requirements for Subsidized Guardianship.

The Bureau of Milwaukee Child Welfare participated in a Subsidized Guardianship program as part of a federal waiver demonstration project during the past five years. During this time, the state and federal government learned about the benefits of providing subsidized guardianship as a means to achieve permanence for children who may otherwise have remained in foster care. To learn about these benefits you can access the full report here:

[http://www.acf.hhs.gov/programs/cb/programs\\_fund/cwwaiver/2011/subsidized.pdf](http://www.acf.hhs.gov/programs/cb/programs_fund/cwwaiver/2011/subsidized.pdf)

**Effective Date and Action**

The primary statutory provisions related to subsidized guardianship can be found in s. 48.623 and s. 48.977(3r) Wis. Stats., effective July 1, 2011. Implementation of the subsidized guardianship program will begin on August 1, 2011.

The attached policy provides detailed information regarding implementation of the subsidized guardianship program including:

- Eligibility requirements for both child and prospective guardian
- Use of the Subsidized Guardianship Agreement form
- Information required in the child's case plan (permanency plan addendum)
- Payment Determination
- Annual reviews
- Use of the CANS tool for adjustment of payments

**Policy Requirements for Subsidized Guardianship**

The policy attached to this memo provides the mandatory requirements for implementation of the subsidized guardianship program starting August 1, 2011. The policy defines the eligibility for the program, determination of appropriateness for the program, continued eligibility for services, the process

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Document Summary

This memo issues the policy requirements for the statewide Subsidized Guardianship, with an effective date of August 1, 2011. This memo also provides information regarding eWISACIWS modifications and a training plan for implementation of the Subsidized Guardianship program.

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to determine, amend, suspend and terminate the subsidized guardianship payment, the annual review questionnaire, and the appeal process.

The process to determine and amend subsidized guardianship payments makes changes to the Uniform Foster Care Rate Setting policy. The changes to the Uniform Foster Care Rate Setting policy are attached as well.

Under s. 48.623(1) Wis. Stats., county agencies are financially responsible for making the subsidized guardianship payments.

As instructed by law, the department is working on promulgation of an administrative rule for implementation of these policies. The rule will be similar to DCF 50 which administers the adoption assistance program, and will administer implementation of the subsidized guardianship program including rate determination, adjustment, and annual reviews.

#### eWiSACWIS Documentation

Three separate releases will occur to fully incorporate the documentation requirements of the program into eWiSACWIS. All information is still required to be documented on the required forms even though they may not be in the system until a later date.

#### Currently Available:

- Ability to open a Subsidized Guardianship case,
- Subsidized Guardianship Agreement form,
- Notice of Decision on Subsidized Guardianship Eligibility Status After Age 18, and
- Decision on Subsidized Guardianship Eligibility Status After Age 18.

*The How Do I Guide is attached at the end of this memo.*

#### October Release will include:

- Automation of the Rate Setting Process,
- Scanning capacity for required documentation, and
- Subsidized Guardianship Eligibility Determination and Permanency Plan Addendum.

#### February Release will include:

- Annual Review Questionnaire and
- Amendment process and related forms.

*Note:* No case is eligible for an Annual Review or a Payment Amendment until a year from the date of the agreement or effect of the new law for existing cases in Milwaukee. The forms for both of these processes will be developed and issued prior to the February release.

#### Training

Beginning in August 2011 trainings and a webcast will be held across the state regarding the Subsidized Guardianship Program. The training sessions are open to caseworkers or supervisors from public, tribal, or private child welfare agencies that are responsible for implementing the Subsidized Guardianship program. The training dates, times, and locations will be distributed through Bureau of Regional Operations.

REGIONAL OFFICE CONTACT: Area Administrator

CENTRAL OFFICE CONTACT: Jónelle Q. Brom  
Out-of-Home Care Specialist  
Bureau of Permanence and Out of Home Care  
(608) 264-6933  
Email: [Jonelle.Brom@wisconsin.gov](mailto:Jonelle.Brom@wisconsin.gov)

MEMO WEB SITE: <http://dcf.wisconsin.gov/memos>

Attachments:

[Subsidized Guardianship Policy](#)

[DCF-F-2691-E Subsidized Guardianship Eligibility Determination and Permanency Plan Addendum](#)

[DCF-F-CFS-2365-E Subsidized Guardianship Agreement](#)

[DCF-F-CFS2421-E Advance Notice of Termination of Subsidized Guardianship at Age 18](#)

[DCF-F-CFS2420-E Notice of Decision on Subsidized Guardianship Eligibility Status After 18](#)

[BadgerCare Plus / Medicaid Health Insurance Information](#)

[DCF-F-CFS-2191 Negative Action Notice](#)

[Uniform Foster Care Rate Setting Policy](#)

[Statutory Language \(Excerpts from Act 32\)](#)

["How Do I?" eWISACWIS Guide](#)

#memo/ds/2011-09 subsidized guardianship policy.doc





## **Subsidized Guardianship Training**

As directed by 2011 Wisconsin Act 32, the 2011-13 biennial budget, the Department of Children and Families (DCF) has implemented Subsidized Guardianship on a statewide basis effective August 1, 2011. The program is another option for achieving permanence for children living in out-of-home care.

The Department developed a curriculum to train counties in the use of Subsidized Guardianship. Training materials include the attached power point, and the policy and forms available at the following link:

[http://dcf.wisconsin.gov/memos/num\\_memos/DSP/2011/2011-09.pdf](http://dcf.wisconsin.gov/memos/num_memos/DSP/2011/2011-09.pdf)

To provide training on a timely basis, the Department began conducting training sessions of child welfare staff in August. Two trainings were held for case management staff in the Bureau of Milwaukee Child Welfare on August 8<sup>th</sup> and 9<sup>th</sup>. A statewide webcast training will be held in the beginning of September, which will be accessible by all county and tribal child welfare agencies, as well as contracted case management organizations. The webcast training will be archived for later reference and for staff who were unable to participate. Department staff will provide on-site technical assistance sessions throughout the state during the months of September and October. The dates, times, and locations of these sessions will be distributed through the Department's Bureau of Regional Operations.

In addition, during the months of July, August, and September, Department staff are conducting presentations on the basic legal elements of the Subsidized Guardianship program for directors of local human service agencies in all regions of the state.

The Department reallocated base funds and used existing staff resources to cover the cost of developing and implementing the training program.



## Subsidized Guardianship

### Purpose

Subsidized guardianship is established under s. 48.623 Wis. Stats., to support legal permanence when reunification and adoption of a child are not deemed appropriate and to establish consistency in the use of subsidized guardianship agreements and payments statewide.

### Applicability

This policy applies to guardianships established under s. 48.977 Wis. Stats., or under a substantially similar tribal law in Wisconsin and to children and proposed guardians that meet the eligibility criteria established by this policy, regardless of whether the child is placed in Wisconsin or out-of-state.

The following definitions shall be used throughout this policy:

A child, as defined by s. 48.02 (2) Stats., when used without further qualification, means a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "child" does not include a person who has attained 17 years of age.

The agency or department refers to a county agency or the Bureau of Milwaukee Child Welfare, unless it is specifically stated that the agency refers to a tribal agency when applicable.

### Eligibility

#### Child

A child as defined by s. 48.02 (2) Wis. Stats., is eligible to receive subsidized guardianship if the agency determines that all of the following apply:

1. The child has been removed from his or her home pursuant to a voluntary placement agreement under s. 48.63 Wis. Stats., or under a substantially similar tribal law or under a court order containing a finding that continued placement of the child in his or her home would be contrary to the welfare of the child;
2. The child is placed with the prospective relative or "like kin" guardian for at least six consecutive months immediately preceding the establishment of the guardianship.
3. It has been determined that reunification and adoption are not appropriate permanency options for the child.
  - a. Placement preferences as required under WICWA shall be followed with any proposed permanent option for an Indian child and notice shall be sent to the tribe as required. (s. 48.977(4)(g)4. Wis. Stats.)
  - b. Tribal traditions shall be considered when choosing permanency options in the best interests of an Indian child.
4. The child demonstrates a strong attachment to the prospective guardian; and
5. If the child is age 14 or older, he or she has been consulted regarding the guardianship agreement.
6. The guardianship is pursuant to s. 48.977 Wis. Stats., or a substantially similar tribal law in Wisconsin.

### Siblings

1. Even if siblings do not meet the eligibility requirements for subsidized guardianship payments listed above, siblings of an eligible child may be placed in the same relative guardianship arrangement if the department or agency and the relative agree to the appropriateness of the arrangement for the sibling.
2. Subsidized guardianship payments, as authorized under s. 48.623(1) Wis. Stats., may be made on behalf of each sibling so placed under the same arrangement.

### Prospective Guardian

A prospective guardian who meets all of the following criteria may receive subsidized guardianship payments on behalf of an eligible child:

1. The individual is a prospective guardian as defined by s. 48.977 Wis. Stats.
2. The prospective guardian is the eligible child's relative as defined by s. 48.02 (15) Wis. Stats. or has a "like-kin" relationship with the child. A "like-kin" relationship is an individual who has an existing family-like relationship with the child or child's family prior to the child's entry into out-of-home care placement, who has a significant emotional connection to the child and the individual does not meet the relative definition under s. 48.02 (15) Wis. Stats.
3. The prospective guardian is a licensed foster parent and approved for subsidized guardianship by the department or county agency and all adults residing in the guardian's home meet the requirements specified in s. 48.685 Wis. Stats.
4. The eligible child has resided with the prospective guardian in the prospective guardian's residence for at least six consecutive months immediately proceeding the establishment of the guardianship.
5. The guardian has a strong commitment to permanently caring for the child;
6. Prior to being named guardian of the child, the guardian entered into a subsidized guardianship agreement with the agency; and
7. The guardian has obtained legal guardianship under s. 48.977 Wis. Stats. or a similar tribal law after entering into a subsidized guardianship agreement or a substantially similar tribal law in Wisconsin and the underlying CHIPS, JIPS, or tribal order has been vacated after the subsidized guardianship agreement has been negotiated and finalized with the department or county agency.

Eligibility may not be limited due to the age of a child under 18 years old or due to a child's special needs.

Some examples of like-kin relationships may include but are not limited to the following relationships with the child: godparents; close family friends; an extended relative that is not included in the statutory definition of relative; an individual who is in or has been in a committed relationship with a family member although they have not married the family member; an individual who would be a relative if paternity would be established and there are difficulties establishing paternity for the child; parents or relatives of half-siblings, etc., if there is an existing family-like relationship with the child prior to the child's entry into out-of-home placement, and who has a emotional connection to the child. The like-kin definition excludes current or former foster parents who did not have a relationship with the child or the child's family prior to the child's placement into out-of-home care regardless of which placement episode it is for the child.

This policy does not apply to guardianships established under Chapter 54 (formerly 880) of the Wisconsin state statutes.

An example of sibling eligibility is a 14-year old child who is in the guardianship of his grandmother and has been for the past three years. The 14-year-old was not eligible for subsidized guardianship at the time of the guardianship (for example, because Wisconsin did not have a statewide subsidized guardianship program at that time, or the grandmother was not a licensed foster parent). The grandmother is now a licensed foster parent providing care for the 12-year-old sibling of the 14-year-old

child who has been living with the grandmother for six consecutive months. The child welfare agency determines that neither reunification nor adoption is appropriate for the 12-year-old, and all other eligibility factors are met. The agency amends the agreement with the guardian of the 14-year-old to include the 12-year-old sibling, and provides subsidized guardianship payments to the grandmother on behalf of both children once the eligible child's legal guardianship is finalized.

The prospective guardian is not required to be licensed as a foster parent for the entire consecutive six months of placement of the child in the prospective guardian's home and is not required to maintain a foster care license after the guardianship is established.

#### **Determination of Appropriateness for Subsidized Guardianship**

The agency, department, or tribe must document in the child's permanency plan using the DCF-F-2691-E form, a description of the following components that when taken together explain how it has been determined that the child is appropriate for a subsidized guardianship arrangement and submit it to the court.

1. The efforts made to reunify the child and to determine that reunification is not in the child's or Indian child's best interests;
2. The description of the steps taken to determine that adoption is not in the child's or Indian child's best interests and why adoption is not being pursued;
  - a. Including the efforts made to discuss adoption with the child's prospective guardian as a more permanent alternative to guardianship;
  - b. Including the reasons the prospective guardian has chosen not to pursue adoption, documentation of the reasons why;
3. The reasons for any separation of siblings during placement;
4. The reasons why a permanent placement with a fit and willing relative or "like-kin" through a subsidized guardianship arrangement is in the child's or Indian child's best interests
  - a. Including the ability of the proposed guardian to manage the relationship and contact with the child's parent(s);
  - b. If the child is an Indian child, a description of how the guardianship meets the requirements for placement preferences unless a good cause is found not to place according to the placement preferences as provided under s. 48.028(7), Wis. Stats.
5. The ways the child meets the eligibility requirements for subsidized guardianship;
6. The efforts made by the agency to discuss with the child's parent(s) the subsidized guardianship arrangement, or the reasons why efforts were not made to discuss the arrangement with the parent(s).

If a guardianship under s. 48.977 Wis. Stats. is dissolved the child welfare agency is required to review the original causes and conditions of the CHIPS petition to determine if further CPS intervention is necessary.

#### **Continued Eligibility for Medicaid and Other Services**

A child for whom a subsidized guardianship agreement has been entered into retains eligibility for Medicaid and certain other services they may be eligible for (as specified in Appendix A). The Health Insurance Information form (DES-2096) must be completed prior to the establishment of the subsidized guardianship.

The child remains eligible for Title XIX Medicaid as if the child remained in out-of-home care regardless of the state of residence.

The eligibility for services and expectations for all legal permanent options for children are described in Appendix A. This must be reviewed with the prospective guardian and signed as part of the decision to pursue a subsidized guardianship arrangement for the child and included with the subsidized guardianship agreement.

### Subsidized Guardianship Agreement

Once it has been determined that a subsidized guardianship is appropriate for the eligible child and the provider is eligible, the agency must negotiate and enter into a written, binding subsidized guardianship agreement with the prospective guardian. The agency must provide a copy of the agreement to the prospective guardian prior to guardianship being awarded by a court.

The guardianship agreement shall be documented on the DCF-F-CFS-2365-E form created by the department and must specify the following:

1. The amount of the subsidized guardianship payment to be provided under the agreement for each eligible child in consultation with the guardian based on the circumstances of the guardian and the needs of the child as identified in the Uniform Foster Care Rate Setting Policy:  
<http://dcf.wisconsin.gov/publications/pdf/0042.pdf>
2. The monthly payment must not exceed the last monthly foster care maintenance payment that was paid on that child's behalf if he or she remained in out-of-home care.
3. The process to adjust payments.
4. The additional services and assistance that the child and guardian will be eligible for under the agreement, and a description of the additional services and assistance;
5. The procedure by which the guardian may apply for additional services as needed and a description of those services;
6. The agency will pay the total cost of nonrecurring expenses associated with obtaining guardianship of the child, to the extent the total cost does not exceed \$2,000
  - (a). Nonrecurring guardianship expenses means reasonable and necessary fees related to the guardianship, court costs, attorney fees and other expenses which are directly related to the guardianship of the child and which are not incurred in violation of state or federal laws.
7. The agency or department's responsibility to release medical, educational, and other historical information the agency has about the child;
8. The guardianship agreement shall remain in effect without regard to state residency of the guardian and child.
9. The child eligibility for federal adoption assistance is not affected by the subsidized guardianship placement and payments.
10. The guardian's responsibility to monitor the child's relationship with his/her parents including contact.
11. The requirement that the guardian notify the agency or Department of a change in address and changes in circumstance affecting the child's or guardian's eligibility including:
  - a. when the family's address changes;
  - b. change in the child's guardian or guardianship status;
  - c. the date the child enters the military;
  - d. the date of marriage of the child;
  - e. the date the child is no longer living in the home of the guardian;
  - f. the date of the death of the child;
  - g. date of completion of high school;
  - h. a change in health insurance benefits; or
  - i. the date the guardian(s) is no longer supporting the child or is no longer legally responsible to support the child.
12. A description of the annual review questionnaire that the guardian(s) will be expected to complete and return to the agency in a timely manner.
13. A description of the terms upon which the payment agreement may terminate.
  - a. Including the ability of the department or agency to recoup funds received for an improper payment.

### **Monthly Subsidized Guardianship Payment Determination and Adjustments**

Each subsidized guardianship payment shall be considered individually in computing the monthly payment amount which shall be based on the Uniform Foster Care Rates specified in s. 48.62 (4), Stats. and the difficulty of care levels specified in Ch. DCF 56.23. and the Uniform Foster Care Rate Setting Policy Section XII. (See Appendix B)

Uniform Foster Care Rate Setting shall be determined prior to the subsidized guardianship agreement as stated in the Uniform Foster Care Rate Setting Policy.

The monthly subsidized guardianship payment may be amended at a later date, except that no increase shall be made prior to 12 months from the original agreement or a prior rate determination. Only the Supplemental portion of the rate may be adjusted; this portion of the rate may increase from the original subsidized guardianship payment amount, but may not decrease below the original supplemental portion of the payment amount without the consent of the guardian. The guardian shall be provided written notice of the decision regarding a request for an increase and the right to appeal that decision. Any amendment that increases the monthly subsidized guardianship amount shall be reviewed on an annual basis to assess the continued needs of the child. This portion of the rate may decrease from an amended rate if upon the annual review of the increased rate it is determined the child's needs no longer demand a higher rate. The guardian shall be provided written notice of a decreased subsidized guardianship payment and the right to appeal that decision.

If the guardian appeals a decision to decrease a subsidized guardianship payment within 10 days of the date of the notice to decrease the subsidized guardianship payment, then the agency must continue to make the higher payment until a decision is made by the Division of Hearings and Appeals.

#### **Payments after age 18**

Payments may continue:

- Up to age 19 if the child is enrolled full-time in a high school program or an equivalent educational program or
- Up to age 21 if the eligible child is a full-time student in high school or the equivalent and the department or agency determines that the eligible child has a mental or physical handicap which warrants the continuation of assistance under 42 USC 673, the eligible child is not eligible for other benefits such as supplementary social security income and the eligible child otherwise lacks adequate resources to continue in high school or the equivalent.

To determine if the child is eligible to continue to receive payments after the age of 18, the agency shall provide the guardian with the Advance Notification of Termination of the Subsidized Guardianship Prior to Age 18 using the DCF-F-CFS-2421-E form. This form must be sent when the child turns 17 ½ years of age, and a second notice must be sent 60 days prior to the child's 18<sup>th</sup> birthday. In order to be considered for payment continuation, the guardian must return the notice with the documentation requested. If the notice is not returned to the agency by the guardian 30 days prior to the child turning 18, then the last payment will be for the month of the child's 18<sup>th</sup> birthday. When the agency receives an Advance Notice of Termination of Subsidized Guardianship at Age 18 back from the guardian, the agency shall provide the Notice of Decision on Subsidized Guardianship Eligibility Status using DCF-F-CFS-2420-E form to the guardian within 15 days of receipt of the request from the guardian.

In order to implement the subsidized guardianship program statewide, counties will also need to either amend their agreements with tribes under 1983 Wisconsin Act 161 (161 agreements), or enter into specific agreements with tribes for the purpose of making subsidized guardianship payments to eligible guardians of Indian children who are under a guardianship order by a Tribal Court.

In establishing a subsidized guardianship agreement, the parties should be cognizant of the affected Indian children as tribal members and citizens of the county. It should also be recognized that, absent the

authority of the Tribal court and the sovereignty of the Tribe, these cases would be processed through the circuit court. Department of Children and Families staff will, if requested, assist to facilitate the negotiation process.

#### **Payment Continuation when a Guardian is Unable or Unavailable to Care**

Payment may continue on behalf of a child to an approved interim caretaker in the event of the guardian's death, incapacitation, or the termination of the guardianship.

If the county department or department knows or has reason to know that the child is an Indian child, the agency or department must provide notice of the Indian child's placement in the home of the interim caretaker to the Indian child's parent, Indian custodian, and tribe, and determine that the home of the interim caretaker complies with the order of placement preferences in s. 48.028(7)(b), Wis. Stats., unless good cause as described in s. 48.028(7)(e) Wis. Stats., is found for departing from that order.

The placement with the interim caretaker must be in the child's best interests, or Indian child's best interests in accordance with Wis. Stats. s. 48.01(2). The interim caretaker must meet safety requirements and the placement must be approved as being in the child's best interest by the public child welfare agency responsible for the guardianship agreement with the intent that the new caretaker seek to become the guardian or adoptive parent of the child or assists in locating a permanent resource for the child in accordance with Wis. Stats. s. 48.01(2).

At a minimum, the agency or department must complete and the interim caretaker must agree to the following in order to approve an interim caretaker:

1. Complete background checks as established under ch. 48 and the determination that the individuals meet the requirements in s. 48.685 Wis. Stats.;
2. Have a review of the physical plant of the home by the approving agency; and
3. Have a safety assessment of the placement.

The county or department shall provide the Division of Safety and Permanence with a Negative Action Notice (DCF-F-CFS2191) when a decision to deny permission for a child to reside with an interim caretaker for a reason specified in s. 48.685 (4m)(a) 1. to 5. or (b)1. to 5. Wis. Stats.

Parents of a child are not eligible to be subsidized as interim caretakers or subsidized guardians for a child.

Payments may be continued for a maximum of 12 months to allow time to assess the stability of the placement and to complete necessary legal proceedings, unless the placement is with the child's parents.

In the event that a subsidized guardianship arrangement ends due to the death or incapacity of the guardian, or the transition to a new guardian is unclear or not possible, court jurisdiction over the child must be re-established and the child shall re-enter out-of-home care. Any new prospective guardian must meet the eligibility requirements stated earlier.



### **Suspension or Discontinuance of the Subsidized Guardianship Payment**

The agency or department shall terminate a subsidized guardianship agreement if the following conditions exist:

1. The terms of the agreement have been reached, the child is now an adult.
2. The guardian has requested a termination of the subsidized guardianship agreement.
3. The guardianship is vacated.
4. Upon the child's 18<sup>th</sup> birthday, unless the child remains a full-time student in high school or an equivalent educational program and the child is expected to graduate by his/her 19<sup>th</sup> birthday.
5. Cessation of legal responsibility of the guardian(s) for the child.
6. A determination that the child is no longer receiving support from the guardian(s).
7. The agency or department having guardianship of the child removes the child from the prospective guardian(s) prior to the establishment of the guardianship.
8. The guardian fails to respond to the annual review questionnaire.

The guardian must receive a written notice to terminate the subsidized guardianship agreement 15 days prior to the end of the payment, unless the child is no longer living with the guardian. This notice shall include the process to appeal the decision to terminate or suspend the agreement. A termination of the agreement for payment does not terminate a guardianship that has been established by a court.

Agencies shall make a form available to be used to provide notification of the termination or suspension of a subsidized guardianship payment.

If the guardian appeals a decision to terminate a subsidized guardianship payment within 10 days of the date of the notice to end the payment, then the agency must continue to make the payment until a decision is made by the Division of Hearings and Appeals.

Payment may be reinstated if the agency or department receives verification that the reasons for the suspension of the subsidized guardianship payment no longer exist, such as a completed annual review questionnaire documenting the child's continued eligibility or that the guardian has regained legal responsibility for the child.

Examples of when the guardian may no longer be responsible for the child include but are not limited to:

1. Upon the child's death, marriage, or entry into the military.
2. Upon the death of the guardian in a single parent family or the death of both guardians in a two-parent family.
3. A decision is made by the agency, department, court, or similar agency in Wisconsin or another state to remove the child from the guardian's care and place the child into out-of-home care for either child protection, juvenile justice, or mental health reasons.
4. The child is no longer living with the guardian.

### **Annual Review Questionnaire**

A subsidized guardianship agreement provides permanency for a child and is similar in nature to adoption in that the agency no longer has "placement and care responsibility" for the child, nor the authority to intervene in the family system without additional authority, e.g. a new Child Protective Services or Juvenile Justice referral for services to the agency. Therefore, the annual review described below is to verify continued eligibility of the child and guardian for the subsidized guardianship payment. It shall not be seen as an opportunity to interject the agency into the family system.

The agency or department shall send out an annual review questionnaire to verify continued eligibility. The guardian shall return the completed annual review questionnaire within 30 days of receipt in order to continue to qualify for subsidized guardianship payment.

The annual review questionnaire must be documented using the form created by the department. The annual review questionnaire shall include questions related to the child's or guardian's continued eligibility for a subsidized guardianship payment. The review forms shall be sent to the guardian receiving a subsidized guardianship payment sixty days prior to the annual review date with a second notice sent at thirty days if the agency has not yet received the review form back. Upon receipt of the annual review form from the guardian, the agency shall document in the child's electronic case record the receipt and continued eligibility of the child.

The agency or department shall make the Annual Review form available to guardians for their use in informing the agency or department of status changes to the child's or guardian's eligibility at the time the subsidized guardianship agreement is signed.

### **Payment Suspension or Termination**

Upon receipt of the annual review the agency shall terminate payments immediately if the agency is notified that either the child or guardian no longer meets eligibility criteria.

Upon failure of the guardian to return the annual review questionnaire during the sixty day time period, the agency shall provide notice to the guardian that payments will be suspended immediately until the agency receives information confirming the continued eligibility of the child and guardians for subsidized guardianship payments.

Agencies and courts may want to consider cross-referencing guardianships under s. 48.977, Wis. Stats, that are terminated to ensure any subsidized guardianship payments being made by the agency do not continue to be made if the guardian is no longer legally responsible for the child and no longer meets eligibility criteria.

### Appeals of Decisions

The guardian or prospective guardian who pursues a subsidized guardianship agreement may appeal the following decisions related to the agreement:

1. A denial of eligibility or a payment determination in the subsidized guardianship agreement,
2. A decision to deny an adjustment to the subsidized guardianship payment, or
3. A decision to decrease or terminate a subsidized guardianship payment.

Appeals must be made in writing to the Division of Hearings and Appeals within 45 days of the date of the notice to deny eligibility, deny the adjustment to payment or the decision to terminate payments. An appeal requested shall be filed not more than 45 days after the date of the notice of the decision. An appeal shall be considered filed if received by the division of hearings and appeals not more than 45 days after the date of notification of the decision. An appeal or review requested more than 45 days after that date shall be denied.


The deadline for an appeal and the address to the Division of Hearings and Appeals must be provided to the prospective or current guardian of the child in any written correspondence conveying the decision of the agency or department to terminate or deny a subsidized guardianship payment.

The address to send an appeal is:

Division of Hearings and Appeals  
P.O. Box 7875  
Madison, Wisconsin 53707

or the appeal may be hand-delivered to the Division at 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

## Permanency Options In Brief

	Adoption	Guardianship		
	Ch. DCF 50 Special Needs	Ch. 54	s. 48.977 Wis. Stats – Long- Term Kinship Care	s. 48.977 Wis. Stats. – Subsidized Guardianship
Child Support Referral Required?	No.	No.	Yes.	Yes.
WI Shares Income Eligibility Depends on?	Adoptive Parents Income.	Guardians Income.	Guardians Income.	Child's Parents Income.
Monthly Payment Based on?	The Uniform Foster Care Rate Setting: DCF 56 and 50	NA	\$220 as stated in Ch. DCF 58 Kinship Care	The Uniform Foster Care Rate Setting policy.
Amendment to Monthly Payment to Increase based on Child's Needs?	An amendment may be made one year after determination or redetermination	No.	No.	Yes an amendment may be made one year after determination or redetermination.
Annual Review Process?	Only on amendment increases.	No.	Yes.	Yes.
Payment Follows the child and responsible person out-of-state?	Yes.	NA	No.	Yes.
Guardian Retains Eligibility for Adoption Assistance if later decides to adopt the child?	NA	No.	No.	Yes.
Requirement to notify the agency or department if there is a change in circumstance?	Yes.	No.	Yes.	Yes.
Responsible for monitoring contact with the child's parents and biological family?	Yes.	Yes.	Yes.	Yes.
Child retains eligibility for Title XIX?	If the child qualifies for special needs according to DCF 50.	No.	Yes.	Yes.
Does a child who finds permanence after age 15 1/2 retain eligibility for IL services such as ETV funds?	Yes.	Yes.	Yes.	Yes.

## SUPPLEMENTAL POINT CALCULATIONS – Subsidized Guardianship Payments

## ALGORITHM

## CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS) 5 - 17

Name – Child/Youth			DOB	Court File Number
Effective Date	Age at Time of Assessment	Assessment Type	Current Caregiver	

TRAUMA	0	1	2	3
Sexual Abuse	0	0	0	0
a. Emotional Closeness to Perpetrator	0	0	0	0
b. Frequency of Abuse	0	0	0	0
c. Duration	0	0	0	0
d. Force	0	0	0	0
e. Reaction to Disclosure	0	0	0	0
Physical Abuse	0	0	0	0
Neglect	0	0	0	0
Emotional Abuse	0	0	0	0
Medical Trauma	0	0	0	0
Natural Disaster	0	0	0	0
Witness to Family Violence	0	0	0	0
Witness to Community Violence	0	0	0	0
Witness/Victim - Criminal Acts	0	0	0	0
Adjustment to Trauma	0	1	2	3
Adjustment to Trauma	0	0	0	0
Traumatic Grief/Separation	0	0	0	0
Intrusions	0	0	0	0
Attachment	0	0	0	0
Dissociation	0	0	0	0

SCHOOL	0	1	2	3
Attendance	0	0	0	0
Behavior	0	0	0	0
Achievement	0	0	0	0
Relation with Teachers	0	0	0	0

CHILD/YOUTH & FAMILY ACCULTURATION	0	1	2	3
Language	0	0	0	0
Identity	0	0	0	0
Ritual	0	0	0	0
Cultural Stress	0	0	0	0
Knowledge Congruence	0	0	0	0
Help seeking Congruence	0	0	0	0
Expression of Distress	0	0	0	0

CHILD/YOUTH BEHAVIORAL/EMOTIONAL NEEDS	0	1	2	3
Psychosis	0	0	0	0
Impulse/Hyperactivity	0	0	0	0
Depression	0	0	0	0
Anxiety	0	0	0	0
Oppositional	0	0	0	0
Conduct	0	0	0	0
Anger Control	0	0	0	0
Substance Use	0	0	0	0
Somatization	0	0	0	0
Behavioral Regression	0	0	0	0
Affect Dysregulation	0	0	0	0

LIFE FUNCTIONING	0	1	2	3
Family – Nuclear	0	0	0	0
Family – Extended	0	0	0	0
Living Situation	0	0	0	0
Developmental	0	0	0	0
a. Cognitive	0	0	0	0
b. Autism Spectrum	0	0	0	0
c. Communication	0	0	0	0
d. Self Care/Daily Living	0	0	0	0
Medical	0	0	0	0
a. Life Threat	0	0	0	0
b. Chronicity	0	0	0	0
c. Diagnostic Complexity	0	0	0	0
d. Emotional Response	0	0	0	0
e. Impairment in Functioning	0	0	0	0
f. Treatment Involvement	0	0	0	0
g. Intensity of Treatment	0	0	0	0
h. Organizational Complexity	0	0	0	0
Physical	0	0	0	0
Dental	0	0	0	0
Daily Functioning	0	0	0	0
Social Functioning – Adults	0	0	0	0
Social Functioning – Peers	0	0	0	0
Legal	0	0	0	0
a. Seriousness	0	0	0	0
b. History	0	0	0	0
c. Arrests	0	0	0	0
d. Planning	0	0	0	0
e. Community Safety	0	0	0	0
f. Legal Compliance	0	0	0	0
g. Peer Influences	0	0	0	0
h. Parental Criminal Behavior (Influences)	0	0	0	0
i. Environmental Influences	0	0	0	0
Eating Disturbance	0	0	0	0
Sleep	0	0	0	0
Sexual Development	0	0	0	0
Life Skills	0	0	0	0
Expectant Parent/Parenting	0	0	0	0

CHILD/YOUTH RISK BEHAVIORS	0	1	2	3
Suicide Risk	0	0	0	0
Self Injurious Behavior	0	0	0	0
Other Self Harm	0	0	0	0
Exploited	0	0	0	0
Danger to Others	0	0	0	0
Sexual Aggression	0	0	0	0
Delinquent Behavior	0	0	0	0
Runaway	0	0	0	0
a. Frequency of Running	0	0	0	0
b. Consistency of Destination	0	0	0	0
c. Safety of Destination	0	0	0	0

	0	1	2	3
e. Involvement in Illegal Acts	0	0	0	0
f. Likelihood of Return on Own	0	0	0	0
g. Involvement of Others	0	0	0	0
h. Realistic Expectations	0	0	0	0
Intentional Misbehavior	0	0	0	0
Fire Setting	0	0	0	0
Bullying	0	0	0	0

CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS) 5 - 17

Name - Child/Youth			DOB	Court File Number
Effective Date	Age at Time of Assessment	Assessment Type	Current Caregiver	

CHILD/YOUTH STRENGTHS	0	1	2	3
Relationship Permanence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family - Nuclear	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family - Extended	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Positive Peer Relations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Optimism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Decision Making	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Well Being	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Educational	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recreational	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vocational	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Talents/Interests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Spiritual/Religious	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community Life	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Youth Involvement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Natural Supports	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Resiliency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Resourcefulness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

CURRENT CAREGIVER	0	1	2	3
Supervision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problem Solving	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Involvement with Care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Knowledge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Empathy with Child	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Organization	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Social Resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Physical Health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mental Health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Substance Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developmental	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family Stress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cultural Congruence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

IDENTIFIED PERMANENT RESOURCE STRENGTHS & NEEDS	0	1	2	3
Residential Stability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Self Care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to Child Care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acculturation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Employment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Education	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial Resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community Connect	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transportation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problem Solving	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Involvement with Care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Knowledge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Empathy with Child	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Organization	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Social Resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Physical Health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mental Health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Substance Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developmental	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family Stress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cultural Congruence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS) 0 - 5

Name - Child			DOB	Court File Number
Effective Date	Age at Time of Assessment	Assessment Type	Current Caregiver	

TRAUMA	0	1	2	3
Sexual Abuse	0	0	0	0
a. Emotional Closeness to Perpetrator	0	0	0	0
b. Frequency of Abuse	0	0	0	0
c. Duration	0	0	0	0
d. Force	0	0	0	0
e. Reaction to Disclosure	0	0	0	0
Physical Abuse	0	0	0	0
Neglect	0	0	0	0
Emotional Abuse	0	0	0	0
Medical Trauma	0	0	0	0
Natural Disaster	0	0	0	0
Witness to Family Violence	0	0	0	0
Witness to Community Violence	0	0	0	0
Witness/Victim - Criminal Acts	0	0	0	0
Adjustment to Trauma	0	1	2	3
Affect Regulation	0	0	0	0
Re-Experiencing the Trauma	0	0	0	0
Avoidance	0	0	0	0
Increased Arousal	0	0	0	0
Numbing Responsiveness	0	0	0	0

LIFE FUNCTIONING	0	1	2	3
Family - Nuclear	0	0	0	0
Family - Extended	0	0	0	0
Living Situation	0	0	0	0
Developmental	0	0	0	0
a. Cognitive	0	0	0	0
b. Autism Spectrum	0	0	0	0
c. Communication	0	0	0	0
d. Self Care/Daily Living	0	0	0	0
Medical	0	0	0	0
a. Life Threat	0	0	0	0
b. Chronicity	0	0	0	0
c. Diagnostic Complexity	0	0	0	0
d. Emotional Response	0	0	0	0
e. Impairment to Functioning	0	0	0	0
f. Treatment Involvement	0	0	0	0
g. Intensity of Treatment	0	0	0	0
h. Organizational Complexity	0	0	0	0
Physical	0	0	0	0
Dental	0	0	0	0
Daily Functioning	0	0	0	0
Social Functioning	0	0	0	0
Recreation/Play	0	0	0	0
Regulatory	0	0	0	0
a. Eating	0	0	0	0
b. Elimination	0	0	0	0
c. Sensory Reactivity	0	0	0	0
d. Emotional Control	0	0	0	0
Motor	0	0	0	0
Communication	0	0	0	0
Sleep	0	0	0	0

PRESCHOOL/CHILD CARE	0	1	2	3
Preschool/Child Care	0	0	0	0
a. Attendance	0	0	0	0
b. Compatibility	0	0	0	0
c. Behavior	0	0	0	0
d. Achievement	0	0	0	0
e. Relation with Teachers	0	0	0	0
f. Relation with Peers	0	0	0	0

CHILD BEHAVIORAL/EMOTIONAL NEEDS	0	1	2	3
Attachment	0	0	0	0
Failure to Thrive	0	0	0	0
Depression (Withdrawn)	0	0	0	0
Anxiety	0	0	0	0
Atypical Behaviors	0	0	0	0
Impulsive/Hyperactivity	0	0	0	0
Oppositional	0	0	0	0

CHILD RISK FACTORS	0	1	2	3
Birth Weight	0	0	0	0
Pica	0	0	0	0
Prenatal Care	0	0	0	0
Length of Gestation	0	0	0	0
Labor and Delivery	0	0	0	0
Substance Exposure	0	0	0	0
Parent/Sibling Problem	0	0	0	0
Maternal Availability	0	0	0	0

CHILD RISK BEHAVIORS	0	1	2	3
Self-Harm	0	0	0	0
Aggressive Behavior	0	0	0	0
Social Behavior	0	0	0	0

CHILD & FAMILY ACCULTURATION	0	1	2	3
Language	0	0	0	0
Identity	0	0	0	0
Ritual	0	0	0	0
Cultural Stress	0	0	0	0
Knowledge Congruence	0	0	0	0
Help seeking Congruence	0	0	0	0
Expression of Distress	0	0	0	0

CHILD STRENGTHS	0	1	2	3
Relationship Permanence	0	0	0	0
Family - Nuclear	0	0	0	0
Family - Extended	0	0	0	0
Interpersonal	0	0	0	0
Adaptability	0	0	0	0
Persistence	0	0	0	0
Curiosity	0	0	0	0
Resiliency	0	0	0	0

# SUPPLEMENTAL POINT CALCULATIONS – Subsidized Guardianship Payments

## ALGORITHM

### CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS) 0 - 5

Name – Child/Youth			DOB	Court File Number
Effective Date	Age at Time of Assessment	Assessment Type	Current Caregiver	

CURRENT CAREGIVER	0	1	2	3
Supervision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problem Solving	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Involvement with Care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Knowledge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Empathy with Child	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Organization	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Social Resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Physical Health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mental Health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Substance Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developmental	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family Stress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cultural Congruence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

IDENTIFIED PERMANENT RESOURCE STRENGTHS & NEEDS	0	1	2	3
Residential Stability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Self Care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to Child Care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acculturation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Employment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Education	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial Resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community Connect	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transportation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problem Solving	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Involvement with Care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Knowledge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Empathy with Child	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Organization	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Social Resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Physical Health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mental Health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Substance Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developmental	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family Stress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cultural Congruence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



## Subsidized Guardianship Eligibility Determination and Permanency Plan Addendum

Today's Date		Name – Agency	
Name – Child (Last, First, MI)		Birthdate – Child	
Name – Mother (Last, First, MI)		Telephone Number (Home)	Telephone Number (Work)
Address – Mother (Street, City, State, Zip Code)			
Name – Father (Last, First, MI)		Telephone Number (Home)	Telephone Number (Work)
Address – Father (Street, City, State, Zip Code)			

### CHILD ELIGIBILITY

Yes No

☐ ☐ Has the child been removed from his or her home pursuant to a voluntary placement agreement under s. 48.63 or under a substantially similar tribal law or under a court order containing a finding that continued placement of the child in his or her home would be contrary to the welfare of the child?

☐ ☐ Has reunification and adoption been determined not to be appropriate permanency options for the child?  
Describe the efforts made to reunify the child and the determination that reunification is not in the child's or Indian child's best interests.

Describe the steps taken to determine that adoption is not in the child's or Indian child's best interests and the reasons why adoption is not being pursued. Include the efforts made to discuss adoption with the child's prospective guardian as a more permanent alternative to guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons why.

Describe the reasons why a subsidized guardianship arrangement is in the child's or Indian child's best interests. Include the ability of the proposed guardian to manage the relationship and contact with the child's parent(s).

☐ ☐ For an Indian child, have placement preferences in accordance with WICWA been followed including notice sent to the tribe as required? If applicable, describe how the subsidized guardianship meets the requirements for placement preference under s. 48.028(7)(b), Wis. Stats.

☐ ☐ Does the child demonstrate a strong attachment to the prospective guardian? Describe how this has been demonstrated below.

☐ ☐ Has the child been placed with the prospective relative or "like-kin" guardian for at least six consecutive months immediately preceding the establishment of the guardianship?

☐ ☐ Is the child age 14 or older and have they been consulted regarding the guardianship agreement? Describe how the child has been consulted below.

☐ ☐ Is the proposed guardianship pursuant to s. 48.977, Wis. Stats., or a substantially similar tribal law in Wisconsin?

☐ ☐ Is the child placed separate from siblings? If "Yes", describe the reasons for any separation of siblings during placement.

☐ ☐ Has the agency discussed the subsidized guardianship arrangement with the child's parent(s)?

Describe the efforts made by the agency to discuss with the child's parent(s) the subsidized guardianship arrangement, or the reasons why efforts were not made to discuss with the parent(s).

### PROSPECTIVE GUARDIAN ELIGIBILITY

Yes No

☐ ☐ Is the prospective guardian the child's relative as defined by s. 48.02(15), Wis. Stats., or does the prospective guardian have a "like kin" relationship with the child?

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If so, describe the relationship.

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☐ ☐ Is the prospective guardian a licensed foster parent?

☐ ☐ Does the prospective guardian demonstrate a strong commitment to caring permanently for the child? Describe how this has been demonstrated below.

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SIGNATURE – Worker

---

Date Signed

---

SIGNATURE – Supervisor

---

Date Signed

Today's Date		Name – Agency	
Name – Child (Last, First, MI)			Birthdate – Child
Name – Mother (Last, First, MI)		Telephone Number (Home)	Telephone Number (Work)
Address – Mother (Street, City, State, Zip Code)			
Name – Father (Last, First, MI)		Telephone Number (Home)	Telephone Number (Work)
Address – Father (Street, City, State, Zip Code)			

### **ELIGIBILITY DETERMINATION**

- ☐ Child is eligible for the Subsidized Guardianship program.
- ☐ Child / prospective guardian is not eligible for the reasons stated on pages 1 and 2 for the subsidized guardianship program.

### **APPEALS PROCESS**

If you are the prospective guardian and you disagree with this determination, you may request a hearing in writing or in person, within 45 days of the date of this notice. A written request should be sent to: Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707. Appeals may be delivered in person to that office at 5005 University Avenue, Room 201, Madison, WI. You should include a short statement about the matter you are appealing and the reason for your appeal.



## Subsidized Guardianship Agreement

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m), Wisconsin Statutes].

The following agreement has been entered into by and between the county or the Wisconsin Department of Children and Families, Division of Safety and Permanence (hereinafter called the "department"), and

\_\_\_\_\_  
Name – Guardian 1 (First, Middle Initial, Last)

\_\_\_\_\_  
Name – Guardian 2 (First, Middle Initial, Last)

(hereinafter called the "guardian(s)"), for the purpose of facilitating the guardianship of

\_\_\_\_\_  
Birth Name – Child (First, Middle Initial, Last)

(hereinafter called the "child"),

born on \_\_\_\_\_ and to aid the guardian(s) in providing proper care for the child.  
(mm/dd/yyyy)

- ☐ This document is the initial subsidized guardianship agreement. The guardian(s) agree that he / she / they intend to enter a guardianship for the child named above and have signed this document for the purposes of receiving subsidized guardianship payments and services for the child under Titles XIX and XX of the Social Security Act from the time of placement prior to being named as guardian(s) for the child.
- ☐ This document replaces the initial subsidized guardianship agreement signed. It represents a redetermination of the subsidized guardianship payment.
- ☐ This document is the initial subsidized guardianship agreement. The Order of the guardianship for the child named above has already occurred. The Department of Hearings and Appeals has ordered the agency or department to provide subsidized guardianship payments and services for the child under Titles XIX and XX of the Social Security Act from the date indicated on the Order. A copy of the Order issued by the Division of Hearings and Appeals is attached to this agreement.
- ☐ This document replaces the initial subsidized guardianship agreement. The establishment of the guardianship for the child named above has already occurred. The Division of Hearings and Appeals has ordered the agency or department to provide a subsidized guardianship payment other than the amount indicated on the original Subsidized Guardianship Agreement from the date indicated on the Order. A copy of the Order issued by the Division of Hearings and Appeals is attached to this agreement.

### PROVISIONS OF AGREEMENT

#### I. Assistance

##### A. Monthly Subsidized Guardianship Payment

The amount of the monthly subsidized guardianship payment shall total \$ \_\_\_\_\_ per month.

The amount of this monthly subsidized guardianship payment is based on the needs of the child and the circumstances of the guardian(s) and has been determined by mutual agreement between the guardian(s) and county or the department. The amount of subsidized guardianship payment shall not exceed the foster care maintenance payment received by the guardian(s) for the month immediately preceding the month in which the guardianship order was granted if the child was in foster care in that month or shall not exceed the maintenance payment for the child if he / she was in a foster home in the state of Wisconsin. Adjustments in the monthly subsidized guardianship payment may be made with the concurrence of the guardian(s) based on the needs of the child, or changes in the maximum allowable monthly subsidized guardianship payment. Documentation of changes in the child's needs or family circumstances may be required. If it is determined by the agency or department that an overpayment has been made to the guardians(s), the department or agency shall have authority to collect the overpayment through a mutual agreement with the guardian(s). If this results in an unsuccessful collection, the county agency or department or county shall have authority to pursue other collection efforts.

##### B. Medical Care

1. Medical benefits as provided under Title XIX of the Social Security Act (Medicaid) will be available to the child in accordance with the procedures of the state in which the child resides. The benefits provided through Medicaid will vary from state to state and are subject to change based on federal and state legislation. If the child is not eligible for Medicaid in the state of residence, Wisconsin will provide Medicaid.
2. Medicaid provides benefits when other insurance does not provide coverage. Documentation of changes in health and other insurance may be required.

C. Nonrecurring Guardianship Expenses

The agency or department agrees to reimburse the guardians(s) for expenses that are reasonable and necessary for the guardianship to occur, subject to a maximum of \$2,000. The expenses must: 1) directly relate to the guardianship; 2) not be in violation of state or federal law; and, 3) not have been reimbursed from other sources of funds. Reimbursement may only be requested after guardianship has been ordered. The request for reimbursement must be submitted within two years after the date of guardianship finalization.

D. Social Services

Social services provided under Title XX of the Social Security Act will be available to the child in accordance with the procedures of the state in which the child resides.

- Independent Living Services if the child achieved guardianship after age 15 and was in out-of-home care for at least 6 months.
- Child care subsidy through the Wisconsin Shares program as if the child were still in foster care.

E. Moving Out-Of-State

The guardian(s) should notify the department or agency of their new address. Any monthly subsidized guardianship payment will continue from the county agency or department. The agency or department will refer the child to the new residence state for eligibility to receive Medicaid under Title XIX of the Social Security Act. The interests of the child are protected through Wisconsin's participation in the Interstate Compact on Adoption and Medical Assistance. If a needed service specified in the agreement is not available in the new state or service area of residence, the agency or department remains financially responsible for providing the specified service(s) while the subsidized guardianship agreement is in effect.

II. Notification of Change

- A. It is the responsibility of the guardian(s) to immediately notify the agency or department for the duration of this agreement of the following:

- |  |  |
|--|--|
| 1. Change in family's address          | 7. Date of completion of high school or equivalent program   |
| 2. Change in the child's guardian(s)   | 8. Change in health insurance benefits   |
| 3. Date child enters military          | 9. Date guardian(s) is no longer supporting child or is no longer legally responsible to support child |
| 4. Date of marriage of child           | 10. Date the child is removed from the care of the guardian(s) and placed into out-of-home care        |
| 5. Date child is no longer in the home |  |
| 6. Date of death of the child          |  |

Notification of any of the above circumstances should be provided to the agency or department in writing at:

Fillable by Agency

Toll Free Telephone Number: (866) 666-5532  
Fax Number: (608) 264-6750

- B. Annually, the agency or department shall send written notification to the guardian(s) referencing the guardianship responsibilities specified in II. A. Notification shall include families who have moved out-of-state. The guardian(s) shall return the Annual Review questionnaire within 30 days or subsidized guardianship payments will be suspended.
- C. The department shall send written notification to the guardian(s) of changes in the subsidized guardianship agreement or other program requirements implemented as a result of state or federal law or policy change.

III. Discontinuance

Discontinuance shall occur in any of the following circumstances:

- A. This agreement shall discontinue upon the conclusion of the terms of this agreement.
- B. This agreement shall discontinue upon request of the guardian(s).
- C. Subsidized guardianship payments shall discontinue when the child reaches the age of 18, with the following exceptions:
1. Subsidized guardianship payments may continue up to age 19 if the child is a full-time student in high school or the equivalent.
  2. Subsidized guardianship payments may continue up to age 21 if the child has attained 21 years of age and the child has a mental or physical disability which warrants continuation of assistance to 21.
- D. This agreement shall discontinue upon the child's death, marriage, or entry into military service.

- E. This agreement shall discontinue upon the death of the guardian in a single parent family or the death of both guardians in a two parent family.
- F. This agreement shall discontinue at the cessation of legal responsibility of the guardian(s) for the child.
- G. This agreement shall discontinue if the department determines that the child is no longer receiving support from the guardian(s).
- H. This agreement shall discontinue if an agency having placement and care responsibility of the child removes the child from the home of the prospective guardian(s) prior to the transfer of guardianship.
- I. This agreement shall be null and void if the guardianship does not occur prior to the child reaching the age of 18.

#### IV. Appeal

The guardian(s) may appeal the agency or department's decision within 45 days of the notice to change, reduce or terminate the subsidized guardianship agreement or payment in accordance with rules and procedures of the State's fair hearing and appeal process.

A request for a hearing should be addressed to: Division of Hearings and Appeals  
P.O. Box 7875  
Madison, WI 53707

#### V. Special Provisions

This agreement shall remain in effect regardless of the state in which the guardian(s) reside at any given time.

Under no circumstances shall the agency or department use the provision of the subsidized guardianship agreement as a cause for monitoring family functioning after the guardianship is established.

The parties to this agreement certify that the information provided is true and complete to the best of their knowledge and belief. The guardian(s) understand that he / she / they may be asked to provide proof of eligibility for benefits and that giving false information may result in discontinuance of subsidized guardianship payments and / or prosecution for fraud.

The guardian(s) confirm that he / she / they have read and understand the terms of this agreement.

\_\_\_\_\_  
Initials of Guardian(s)

\_\_\_\_\_  
SIGNATURE – Guardian Parent 1

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
SIGNATURE – Guardian Parent 2

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
SIGNATURE – Agency Representative

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
SIGNATURE – Authorized County or  
Department Representative

\_\_\_\_\_  
Date Signed

The name(s) / address of the parties to this agreement shall be released to the Foster Care and Adoption Resource Center in Wisconsin, in Wisconsin. This will allow the party / parties to this agreement to receive notification of new programs, available training, upcoming events or information about post placement services. (Names / addresses will not be released to any other source.) If this is not agreeable, the party / parties to the agreement must sign here.

\_\_\_\_\_  
The agency representative provided an original signed copy of this agreement to the proposed guardian(s) on

\_\_\_\_\_  
(mm/dd/yyyy)





## Advance Notice of Termination of Subsidized Guardianship at Age 18

**Use of form:** This form is voluntary and is used to collect high school information for the purpose of determining continued eligibility for Subsidized Guardianship after a child turns 18 years of age. Personally identifiable information on this form is used to verify the information necessary for providing benefits and will be used only for this purpose.

**IN ORDER TO DETERMINE IF YOUR CHILD IS ELIGIBLE FOR SUBSIDIZED GUARDIANSHIP AFTER AGE 18, COMPLETE AND RETURN THIS FORM BY DUE DATE:** \_\_\_\_\_ (mm/dd/yyyy)

Provide Guardian's Names and Address Below:

Today's Date: \_\_\_\_\_ (mm/dd/yyyy)

### Child Information

Name: \_\_\_\_\_

Birthdate: \_\_\_\_\_ (mm/dd/yyyy)

18<sup>th</sup> Birthdate: \_\_\_\_\_ (mm/dd/yyyy)

Case ID Number: \_\_\_\_\_

**Mail or fax form to:** Subsidized Guardianship Accountant, Agency Fillable Address

**Fax Number:** Agency **Telephone Number:** Agency

Name of high school your child attends: \_\_\_\_\_

Date of expected graduation from high school: \_\_\_\_\_ (mm/yyyy)

**Yes No**

☐ ☐ Will your child be in high school, an alternative education program, or a GED program full-time after age 18?

☐ ☐ Will you be supporting your child after age 18?

☐ ☐ Is your child married? If "Yes", date of marriage: \_\_\_\_\_ (mm/yyyy)

☐ ☐ Has your child entered the military? Date of military enlistment: \_\_\_\_\_ (mm/dd/yyyy)

### **WHAT ARE THE REQUIREMENTS FOR A CHILD TO QUALIFY FOR SUBSIDIZED GUARDIANSHIP AFTER AGE 18?**

Your child must meet **ALL** of the following conditions to be eligible for Subsidized Guardianship (payment and Medical Assistance) after age 18:

1. Your child is attending high school, an alternative education program, or a GED program full-time after age 18.
2. You are supporting your child.
3. Your child is not married.
4. Your child is not in the military.

Subsidized Guardianship benefits (payment and Medical Assistance) will continue until the month of high school graduation or age 19, whichever comes first. You will receive a notice of the decision on your child's eligibility for Subsidized Guardianship within 30 days from the date you return this form. If you do not receive this notice within 30 days, call Agency Telephone Number.

### **REASONS YOUR CHILD MAY NOT BE ELIGIBLE FOR SUBSIDIZED GUARDIANSHIP AFTER AGE 18:**

Subsidized Guardianship benefits (payment and Medical Assistance) will be terminated, if any **ONE** of the following applies:

1. Your child will not be attending high school, an alternative education program, or a GED program full-time after age 18.
2. You are not supporting your child.
3. Your child is married.
4. Your child has joined the military.

The information given above is true and complete to the best of my knowledge

\_\_\_\_\_  
**SIGNATURE – Guardian**

\_\_\_\_\_  
**Date Signed**

\_\_\_\_\_  
**Telephone Number (Daytime)**

**MAKE A COPY OF THIS FORM FOR YOUR PERSONAL RECORDS.**

☐ 1<sup>st</sup> Notice

☐ 2<sup>nd</sup> Notice

Provider ID Number: \_\_\_\_\_



## Notice of Decision on Subsidized Guardianship Eligibility Status After 18

**Use of form:** This form is used to notify guardians of their child's eligibility for Subsidized Guardianship after a child turns 18 years of age. Personally identifiable information on this form is used to verify the information necessary for providing benefits and will be used only for this purpose.

Provide Guardian's Names and Address Below:

Today's Date: \_\_\_\_\_ (mm/dd/yyyy)

### Child Information

Name: \_\_\_\_\_

Birthdate: \_\_\_\_\_ (mm/dd/yyyy)

18<sup>th</sup> Birthdate: \_\_\_\_\_ (mm/dd/yyyy)

Case ID Number: \_\_\_\_\_

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BASED ON THE INFORMATION YOU PROVIDED, YOUR CHILD'S ELIGIBILITY FOR CONTINUED SUBSIDIZED GUARDIANSHIP IS INDICATED BELOW:

- ☐ I. Subsidized Guardianship (payment and Medical Assistance) will end the month of your child's 18<sup>th</sup> birthdate.  
Your last payment will be in \_\_\_\_\_. Your child graduated from high school in \_\_\_\_\_.
- ☐ II. Subsidized Guardianship (payment and Medical Assistance) will end \_\_\_\_\_, the month of your child's graduation from high school. Your last payment will be in \_\_\_\_\_.
- ☐ III. Subsidized Guardianship (payment and Medical Assistance) will end the month of your child's 19<sup>th</sup> birthday.  
Your last payment will be in \_\_\_\_\_. (mm/yyyy)

### APPEALS PROCESS

If you disagree with this determination, you may request a hearing in writing or in person, within 45 days of the date of this notice. A written request should be sent to: Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707. Appeals may be delivered in person to that office at 5005 University Avenue, Room 201, Madison, WI. You should include a short statement about the matter you are appealing and the reason for your appeal.

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**IF YOUR CHILD'S GRADUATION DATE CHANGES, IT IS YOUR RESPONSIBILITY TO NOTIFY THE DIVISION IMMEDIATELY. TO REPORT THE NEW GRADUATION DATE, SEND A LETTER BY MAIL OR FAX TO:**

Subsidized Guardianship Accountant  
Name of Agency  
Agency Address  
Agency Fax Number  
Agency Telephone Number



## BADGERCARE PLUS / MEDICAID HEALTH INSURANCE INFORMATION

1. Do not write in shaded areas (for office use only).
2. Policyholder is to complete this form. Answer ALL questions. Write "NONE" if a question does not apply to you.
3. Policyholder should list all persons in Section A who are applying for or are now receiving assistance, and are covered by other health insurance, whether or not the policyholder resides in the household.
4. Policyholders completing this form who are not living with enrolled dependents must list in Section A all dependents who get Medicaid or BadgerCare Plus.
5. Use a separate form for each carrier/policy. Ask for additional forms.
6. Once form is completed return to your local county or tribal agency.

Providing or applying for a Social Security Number (SSN) is voluntary; however, any person who wants Wisconsin Medicaid or BadgerCare Plus but does not provide an SSN or apply for one will not be eligible for benefits. SSNs and personally identifiable information will be used only for the direct administration of the Medicaid and BadgerCare Plus programs.

### FOR OFFICE USE ONLY

Casehead Name		Case Number
TPL Transaction - Information Being	<input type="checkbox"/> Added <input type="checkbox"/> Changed or Ended <input type="checkbox"/> Deleted	Agency Code Worker Code

### SECTION A - Member

BadgerCare Plus or Medicaid ID Number	Name (Last, First, MI) List all people applying for Medicaid or BadgerCare Plus covered by the policy described in Section C.	Date of Birth (mm/dd/yy)	Relationship to policyholder (check one) 1 - Self, 2 - Spouse, 3 - Child, 4 - Stepchild, 5 - Other
			<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5
			<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5
			<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5
			<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5

### SECTION B - Policyholder Information

Type of policy <input type="checkbox"/> Major Medical <input type="checkbox"/> HMO / HMP / PPO <input type="checkbox"/> Medicare Supplement <input type="checkbox"/> Accident <input type="checkbox"/> Other		Is the Policyholder an Absent Parent? (Parent who is continuously away from the home.) <input type="checkbox"/> Yes <input type="checkbox"/> No	
Policyholder Name (Last, First, MI)		Social Security Number	Date of Birth (mm/dd/yy)
Policyholder Address - Street		City	State Zip Code

### SECTION C - Insurance Information

Insurance Company Name			
Insurance Company Address - Street		City	State Zip Code
Policy Number	Policy Start Date (mm/dd/yy)	Policy End Date (mm/dd/yy)	Group Name Group Number

### SECTION D - Employer Information (Complete if Policyholder is Employed)

Employer Name		Telephone Number	
Employer Address - Street		City	State Zip Code
Should Insurance Claims be sent to the Employer? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		BadgerCare Plus/Medicaid Program Use Only - Insurance Company or Employer Billing Code	

I understand that as a condition of enrollment for Medicaid and/or BadgerCare Plus, I must report to the agency any other person(s) that may be liable to pay for medical care for my family and me. I must also cooperate by giving information to assist the local agency in pursuing payment from any other person(s). I understand that any benefits for the cost of medical care which are available under a policy will be assigned to the State by law (s. 632.72, WI Statutes.) during any period of Medicaid or BadgerCare Plus enrollment. I understand that, within 10 days, I must report any changes in all of the above information. The information given above is true and complete to the best of my knowledge.

SIGNATURE - Policyholder	Telephone Number	Date Signed
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## DHS 12 NEGATIVE ACTION NOTICE

**Use of form:** Use of this form is voluntary. However, the information requested on this form must be provided pursuant to s. 48.651(2m), Wis. Stats., and DHS 12.09, Wis. Adm. Code. Information collected on this form will be entered into the Department of Children and Families' Children's License Denial database which lists individuals whose application for a license, certification or adoption is denied or whose license / certification is revoked or not renewed (negative actions) for reasons specified in the list of offenses affecting caregiver eligibility, DHS 12, Adm. Code, Appendix A. Personal information you provide may be used for secondary purposes [Privacy Law, s.15.04(1)(m), Wisconsin Statutes].

**Instructions:** Complete a separate form for each person subject to the negative action taken. Send the completed form to the appropriate address listed at the bottom of the form.

**Action Requested:**

- ☐ Add New Record    ☐ Modify Previously Created Record    ☐ Delete Previously Created Record  
☐ Appeal Has Overturned Finding  
☐ Other: \_\_\_\_\_

**I. Individual Against Whom the Negative Action Was Taken**

Name (Last, First, Middle)	Social Security Number	Birthdate (mm/dd/yyyy)
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**II. License / Certification Type (Check one)**

- ☐ Day Care Certification    ☐ Adoption    ☐ Treatment Foster Home    ☐ School Age Certification    ☐ Foster Home

**III. Negative Action Taken**

Check appropriate box below.

- ☐ Denial    ☐ Revocation    ☐ Non-Renewal

Date Negative Action Taken (mm/dd/yyyy)

Reason Negative Action Taken

- ☐ Substantiated finding of child abuse or neglect  
☐ Criminal conviction  
☐ Misappropriation of client's property

If criminal conviction, cite statute indicating specific crime(s) from Offenses List (DHS 12-Appendix A). For example: 940.01.

**IV. Agency Taking the Negative Action**

Agency Type (Check one)

- ☐ Child Placing Agency (CPA)    ☐ County    ☐ Tribe

Name - CPA	Facility ID Number
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Name - County / Tribe	County / Tribe Number
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**V. Person Completing Form**

Name	Title
------	-------

Telephone Number	Email Address <input type="checkbox"/> Check if no email address.
------------------	---

\_\_\_\_\_  
SIGNATURE - Person Completing Form

\_\_\_\_\_  
Date Signed

Immediately send completed form to appropriate state regulatory agency address below:

Bureau of Permanence and Out-of-Home Care  
P.O. Box 8916  
Madison, WI 53708-8916  
FAX (608) 264-6750

Bureau of Early Care Regulation  
P.O. Box 8916  
Madison, WI 53708-8916  
FAX (608) 267-7252

Bureau of Early Childhood Education  
(child care certification)  
P.O. Box 7935  
Madison, WI 53707-7935  
Fax: 608 267-2200





## XII. SUPPLEMENTAL RATE FOR SUBSIDIZED GUARDIANSHIP PAYMENT

For subsidized guardianship payments received through an agreement under s. 48.623 Wis. Stats., that were entered into prior to August 1, 2011, the supplemental payments shall be determined on the schedule-of-difficulty of care listed in DCF 56.11(3).

For subsidized guardianship payments received through an agreement under s. 48.623 Wis. Stats., entered into on or after August 1, 2011, the child has needs in the areas listed in s. DCF 56.23 (2) (a) 1. a. to e. in the rate schedule under s. DCF 56.23 (2) (a) as determined through the use of the Child and Adolescent Needs and Strengths tool.

### XII. A. Child's Identified Needs

The agency with "placement and care responsibility" for a child for whom a subsidized guardianship payment is being made shall determine a child's identified needs through the use of the CANS tool. Before administering the CANS tool the person who administers the tool shall first do all of the following:

1. Review the case record.
2. Interview or collect information from an individual who has interviewed the child, child's family, proposed guardian or other out-of-home care provider, and the child's team or treatment team.
3. Review information gathered in collaboration with the child's team or treatment team.

An individual performing the assessment shall be trained and certified in the use of the department's standardized assessment tool. The assessment requires a certified CANS user to complete a CANS assessment of the information obtained about the child. (See Appendix A for the CANS tool and glossary) Re-certification to complete the assessment process must be completed on an annual basis.

The agency shall use the CANS assessment to determine whether or not a child qualifies for a supplemental rate payment. There must be identified needs, rated a '2' or '3', that shall be used to calculate this portion of the supplemental payment.

See Appendix E for which items in the CANS tool are specifically used to calculate the child's assessed needs for the Supplemental Rate for a subsidized guardianship payment under the agreement/amendment for a child whose original agreement is entered into on or after August 1, 2011.

In using the CANS tool, the assessor must:

- Determine if the child exhibits characteristics described as a 2 or 3 in **one or more** of the following domains: trauma; life functioning; school; acculturation; behavioral/emotional needs; or risk behaviors.
- Determine the appropriate level within each applicable domain. The three levels are: basic; moderate; and intensive. In order for a rating to be above basic, characteristics exhibited must be inappropriate for what is deemed developmentally age appropriate for a child who is of a similar age.

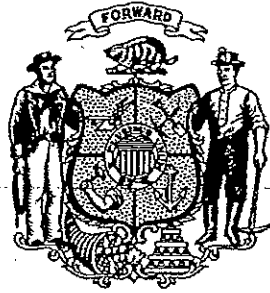
- Determine ratings for each item within the domains listed in the "Point Distribution Table" below.
- Assign points only once for each item in each domain (e.g., points cannot be given at both the "moderate" and "intensive" level for any one item within a domain).
- Calculate the child's identified needs Supplemental Points based on adding the items rated a 2 or 3 on the domains listed in the "Point Distribution Table." The sum is then multiplied by \$5.50 to determine the child's portion of the Supplemental payment.

	<u>Basic</u>	<u>Moderate</u>	<u>Intensive</u>	<b>Total Items Rated 0-5 years</b>	<b>Total Items Rated 5-17 years</b>
<b>CANS RATING</b>	<b>0-1</b>	<b>2</b>	<b>3</b>		
<b>CANS DOMAIN</b>					
Trauma	0-1	2	3	5	5
Life Domain Functioning	0-1	2	3	28	31
School	0-1	2	3	7	4
Behavioral/Emotional	0-1	2	3	7	11
Risk Behaviors	0-1	2	3	6	18
<b>TOTAL</b>				<b>53</b>	<b>69</b>
<b>Maximum Points</b>				<b>159</b>	<b>207</b>

#### XII. B. Subsidized Guardianship Payments under an Agreement Amendments

1. For amendments to Subsidized Guardianship Agreements entered into prior to August 1, 2011 the Department, after receiving the Behavioral Review Forms shall review them in reference to Ch. DCF 56.11(2) & (3) to establish whether any modification to the supplemental portion of the subsidized guardianship payment under the agreement shall be made.
2. For amendments to Subsidized Guardianship Agreements payments that were entered into on or after August 1, 2011 the Department, after receiving the Behavioral Review Forms from the applicant for an amendment, shall review them in reference to Ch. DCF 56.23 (2) (a) 1. a. to e to establish whether any modification to the supplemental portion of the subsidized guardianship payment under the agreement shall be made.

# State of Wisconsin



2011 Assembly Bill 40

Date of enactment: June 26, 2011  
Date of publication\*: June 30, 2011

## 2011 WISCONSIN ACT 32

(Vetoed in Part)

AN ACT relating to: state finances and appropriations, constituting the executive budget act of the 2011 legislature.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1d. 5.02 (18) of the statutes is amended to read:

5.02 (18) "September primary" means the primary held the 2nd Tuesday in September to nominate candidates to be voted for at the general election, and to determine which candidates for state offices other than district attorney may participate in the Wisconsin election campaign fund.

SECTION 2d. 5.35 (6) (b) of the statutes is amended to read:

5.35 (6) (b) At each polling place in the state where a consolidated ballot under s. 5.655 is used or an electronic voting system is utilized at a partisan primary election incorporating a ballot upon which electors may mark votes for candidates of more than one recognized political party or for candidates of a recognized political party and independent candidates, the municipal clerk or board of election commissioners shall prominently post a sign in the form prescribed by the board warning electors in substance that on any ballot with votes cast for candidates of more than one recognized political party or any ballot with votes cast for candidates of a recognized political

party and independent candidates, no votes cast for any candidates for partisan office will be counted unless a preference for a party or for the independent candidates is made. If the elector designates a preference, only votes cast for candidates of that preference will be counted.

SECTION 2f. 5.37 (4) of the statutes is amended to read:

5.37 (4) Voting machines may be used at primary elections when they comply with subs. (1) and (2) and the following provisions: All candidates' names entitled to appear on the ballots at the primary shall appear on the machine; the elector cannot vote for candidates of more than one party, whenever the restriction applies, and an elector who votes for candidates of any party may not vote for independent candidates at the September primary; the elector may secretly select the party for which he or she wishes to vote, or the independent candidates in the case of the September primary; the elector may vote for as many candidates for each office as he or she is lawfully entitled to vote for, but no more.

SECTION 3c. 5.62 (1) (a) of the statutes is amended to read:

5.62 (1) (a) At September primaries, the following ballot shall be provided for the nomination of candidates of recognized political parties for national, state and

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

from the appropriation account under s. 20.435 (7) (b) for that fiscal year.

SECTION 1308. 46.40 (9) (e) of the statutes is created to read:

46.40 (9) (e) *County income maintenance administration.* Beginning in calendar year 2012, the department shall decrease the allocation under sub. (2) for a county with a population of 750,000 or more from the appropriation under s. 20.435 (7) (b) by \$2,700,000.

SECTION 1311. 46.90 (1) (gr) 3. of the statutes is amended to read:

46.90 (1) (gr) 3. The department of regulation and licensing safety and professional services.

SECTION 1312. 46.90 (5m) (br) 5. of the statutes is amended to read:

46.90 (5m) (br) 5. Refer the case to the department of regulation and licensing safety and professional services if the financial exploitation, neglect, self-neglect, or abuse involves an individual who is required to hold a credential, as defined in s. 440.01 (2) (a), under chs. 440 to 460.

SECTION 1313. 46.99 (3) of the statutes is amended to read:

46.99 (3) If the waiver requested under sub. (2) is granted, counties shall provide to the department the non-federal share of costs for medical assistance services provided under the waiver. Counties may use moneys appropriated under s. 20.435 (7) (bt) and distributed to counties under s. 51.44 (3) (a) to provide the nonfederal share of medical assistance costs.

SECTION 1314. 46.99 (3m) of the statutes is created to read:

46.99 (3m) If the waiver requested under sub. (2) is granted, counties shall provide to the department the non-federal share of the cost incurred by an entity to administer the waiver program under this section.

SECTION 1315. 46.99 (4) of the statutes is amended to read:

46.99 (4) From the appropriation account under s. 20.435 (4) (o), the department shall ~~may~~ distribute to counties that provide services under this section the amount of federal moneys received by the state as the federal share of medical assistance for those services, minus the amount transferred to the appropriation account under s. 20.435 (7) (im) for the department's costs of administering this section. Counties shall use moneys distributed under this section to provide services under this section or s. 51.44.

SECTION 1316. 46.995 of the statutes is created to read:

46.995 Disabled children's long-term support program; local funding. (1) A county shall provide to the department the nonfederal share of the cost incurred by an entity to administer services provided without state funding under the disabled children's long-term support

program for a child enrolled in the program after December 31, 2010.

(2) A county shall provide to the department the non-federal share of the cost of services provided without state funding under the disabled children's long-term support program.

SECTION 1317. 47.03 (11) (a) of the statutes is amended to read:

47.03 (11) (a) The department shall provide services, including vocational training, ~~craft instruction~~ and a supervised business initiatives program for persons with severe disabilities who are eligible for vocational rehabilitation services. Under this subsection, the department may own, lease, manage, supervise or operate businesses for the benefit of persons with severe disabilities, including ~~home-based employment and craft work,~~ with the ultimate objective of enabling persons with severe disabilities to operate their own businesses. ~~The department shall assist persons with severe disabilities who receive these services in marketing the finished products.~~

SECTION 1318. 47.03 (11) (c) of the statutes is repealed.

SECTION 1319. 47.03 (11) (d) of the statutes is repealed.

SECTION 1320. 47.03 (11) (e) of the statutes is repealed.

SECTION 1321j. 48.38 (2) (f) of the statutes is amended to read:

48.38 (2) (f) The child's care would be paid for under s. 49.19 but for s. 49.19 (20), except that this paragraph does not apply to a child whose care is being paid for under s. 48.623 (1).

SECTION 1321k. 48.38 (4) (j) of the statutes is created to read:

48.38 (4) (j) If the child is placed in the home of a relative or other person described in s. 48.623 (1) (b) 1. who will be receiving subsidized guardianship payments, a description of all of the following:

1. The steps the agency has taken to determine that it is not appropriate for the child to be returned to his or her home or to be adopted.

2. If a decision has been made not to place the child and his or her siblings, as defined in par. (br) 1., in a joint placement, the reasons for separating the child and his or her siblings during the placement.

3. The reasons why a permanent placement with a fit and willing relative or other person described in s. 48.623 (1) (b) 1. through a subsidized guardianship arrangement is in the best interests of the child. In the case of an Indian child, the best interests of the Indian child shall be determined in accordance with s. 48.01 (2).

4. The ways in which the child and the relative or other person described in s. 48.623 (1) (b) 1. meet the eligibility requirements specified in s. 48.623 (1) for the receipt of subsidized guardianship payments.

5. The efforts the agency has made to discuss adoption of the child by the relative or other person described in s. 48.623 (1) (b) 1. as a more permanent alternative to guardianship and, if that relative or other person has chosen not to pursue adoption, documentation of the reasons for not pursuing adoption.

6. The efforts the agency has made to discuss the subsidized guardianship arrangement with the child's parents or, if those efforts were not made, documentation of the reasons for not making those efforts.

SECTION 1321n. 48.385 of the statutes is amended to read:

**48.385 Plan for transition to independent living.** During the 90 days immediately before a child who is placed in a foster home, group home, ~~subsidized guardianship home under s. 48.62 (5), group home, or residential care center for children and youth or in the home of a relative other than a parent attains 18 years of age or, if the child is placed in such a placement under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) or 938.355 (4) after the child attains 18 years of age, during the 90 days immediately before the termination of the order, the agency primarily responsible for providing services to the child under the order shall provide the child with assistance and support in developing a plan for making the transition from out-of-home care to independent living. The transition plan shall be personalized at the direction of the child, shall be as detailed as the child directs, and shall include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services.~~

SECTION 1323. 48.545 (2) (a) (intro.) of the statutes is amended to read:

48.545 (2) (a) (intro.) From the appropriations under s. 20.437 (1) (eg), ~~(kb)~~, and (nL), the department shall distribute \$2,097,700 in each fiscal year to applying non-profit corporations and public agencies operating in a county having a population of 500,000 or more, \$1,171,800 in each fiscal year to applying county departments under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county having a population of 500,000 or more, and \$55,000 in each fiscal year to Diverse and Resilient, Inc. to provide programs to accomplish all of the following:

SECTION 1323d. 48.561 (3) (a) 3. of the statutes is amended to read:

48.561 (3) (a) 3. Through a deduction of \$20,101,300 from any state payment due that county under s. ~~79.03 79.035, 79.04, 79.058, 79.06, or 79.08~~ as provided in par. (b).

SECTION 1323g. 48.561 (3) (b) of the statutes is amended to read:

48.561 (3) (b) The department of administration shall collect the amount specified in par. (a) 3. from a county

having a population of 500,000 or more by deducting all or part of that amount from any state payment due that county under s. ~~79.03 79.035, 79.04, 79.058, 79.06, or 79.08~~. The department of administration shall notify the department of revenue, by September 15 of each year, of the amount to be deducted from the state payments due under s. ~~79.03 79.035, 79.04, 79.058, 79.06, or 79.08~~. The department of administration shall credit all amounts collected under this paragraph to the appropriation account under s. 20.437 (1) (kw) and shall notify the county from which those amounts are collected of that collection. The department may not expend any moneys from the appropriation account under s. 20.437 (1) (cx) for providing services to children and families under s. 48.48 (17) until the amounts in the appropriation account under s. 20.437 (1) (kw) are exhausted.

SECTION 1324. 48.563 (1) (a) of the statutes is amended to read:

48.563 (1) (a) Within the limits of available federal funds and of the appropriations under s. 20.437 (1) (b), ~~(km)~~, and (o), the department shall distribute funds for children and family services to county departments as provided in subs. (2), (3), and (7m) and s. 48.986.

SECTION 1324f. 48.563 (2) of the statutes is amended to read:

48.563 (2) BASIC COUNTY ALLOCATION. For children and family services under s. 48.569 (1) (d), the department shall distribute not more than \$51,577,400 in fiscal year 2009-10 and not more than \$63,264,700 in fiscal year 2010-11 and \$66,475,500 in each fiscal year thereafter.

SECTION 1325. 48.565 (2) (c) of the statutes is amended to read:

48.565 (2) (c) The department shall credit to the appropriation account under s. 20.437 (3) ~~(mp)~~ (kp) any moneys carried forward under par. (a), but not distributed to counties, and may expend those moneys as provided in s. 48.567.

SECTION 1326. 48.567 (1) of the statutes is amended to read:

48.567 (1) From the appropriation account under s. 20.437 (3) ~~(mp)~~ (kp), the department shall support costs that are exclusively related to the ongoing and recurring operational costs of augmenting the amount of moneys received under 42 USC 670 to 679a and to any other purpose provided for by the legislature by law or in budget determinations. In addition, the department may expend moneys from the ~~that~~ appropriation account under s. 20.437 (3) ~~(mp)~~ as provided in subs. (1m) and (2).

SECTION 1327. 48.567 (1m) of the statutes is amended to read:

48.567 (1m) In addition to expending moneys from the appropriation account under s. 20.437 (3) ~~(mp)~~ (kp) for the augmentation activities specified in sub. (1), the department may expend moneys ~~received under 42 USC 1396 to 1396v in reimbursement of the cost of providing~~

county department or, in a county having a population of 500,000 or more, the person designated by the secretary to review conviction records under this subdivision determines is likely to adversely affect the child or the ability of the person receiving payments to care for the child.

SECTION 1332k. 48.57 (3p) (hm) of the statutes is amended to read:

48.57 (3p) (hm) A county department or, in a county having a population of 500,000 or more, the department may not make payments to a person under sub. (3n) or s. 48.62 (5) (a) or (b) and a person receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) may not employ a person in a position in which that person would have regular contact with the child for whom payments are being made or permit a person to be an adult resident if the director of the county department or, in a county having a population of 500,000 or more, the person designated by the secretary to review conviction records under this paragraph determines that the person has any arrest or conviction that is likely to adversely affect the child or the person's ability to care for the child.

SECTION 1332m. 48.62 (5) (a) of the statutes is repealed.

SECTION 1332n. 48.62 (5) (b) of the statutes is renumbered 48.623 (6) (intro.) and amended to read:

48.623 (6) INTERIM CARETAKER (intro.) Subject to par. (d), on the death, incapacity, resignation, or removal of a guardian receiving payments under par. (a), a sub. (1), the county department or, in a county having a population of 500,000 or more, the department providing those payments shall provide monthly subsidized guardianship payments in the amount specified in par. (e) sub. (3) (b) for a period of up to 12 months to an interim caretaker who meets if all of the following conditions specified in par. (e), are met:

SECTION 1332p. 48.62 (5) (c) (intro.) of the statutes is repealed.

SECTION 1332q. 48.62 (5) (c) 1. of the statutes is renumbered 48.623 (6) (a) and amended to read:

48.623 (6) (a) The county department or department inspects the home of the guardian or interim caretaker, interviews the guardian or interim caretaker, and determines that placement of the child with the guardian or interim caretaker is in the best interests of the child. In the case of an Indian child, the best interests of the Indian child shall be determined in accordance with s. 48.01 (2).

SECTION 1332r. 48.62 (5) (c) 2. of the statutes is renumbered 48.623 (6) (b) and amended to read:

48.623 (6) (b) The county department or department conducts a background investigation under s. 48.57 (3p) 48.685 of the guardian or interim caretaker, the employees and prospective employees of the guardian or interim caretaker who have or would have regular contact with the child for whom the payments would be made, and any other adult resident, as defined in s. 48.57 (3p) (a), and

any nonclient resident, as defined in s. 48.685 (1) (bm), of the home of the guardian or interim caretaker and determines that those individuals do not have any arrests or convictions that are likely to adversely affect the child or the ability of the guardian or interim caretaker to care for the child meet the requirements specified in s. 48.685. The county department or department shall provide the department of health services with information about each person who is denied monthly subsidized guardianship payments or permission to reside in the home of an interim caretaker for a reason specified in s. 48.685 (4m) (a) 1. to 5. or (b) 1. to 5.

SECTION 1332s. 48.62 (5) (c) 3. of the statutes is renumbered 48.623 (6) (c) and amended to read:

48.623 (6) (c) In the case of an interim caretaker, the interim caretaker cooperates with the county department or department in finding a permanent placement for the child.

SECTION 1332t. 48.62 (5) (d) of the statutes is renumbered 48.623 (3) (a) and amended to read:

48.623 (3) (a) The department shall request from the secretary of the federal department of health and human services a waiver of the requirements under 42 USC 670 to 679a that would authorize the state to receive federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department. If the waiver is approved for In a county having a population of 500,000 750,000 or more, the department shall provide the monthly payments under par. (a) sub. (1) or (6) from the appropriations under s. 20.437 (1) (dd) and (pd). If the waiver is approved for In any other county, the department shall determine which counties are authorized to provide monthly payments under par. (a) or (b), and the county departments of those counties department shall provide those payments from moneys received under s. 48.569 (1) (d).

SECTION 1332u. 48.62 (5) (e) of the statutes is renumbered 48.623 (3) (b) and amended to read:

48.623 (3) (b) The amount of a monthly payment under par. (a) or (b) sub. (1) or (6) for the care of a child shall equal the amount received under sub. s. 48.62 (4) by the guardian of the child for the month immediately preceding the month in which the guardianship order was granted or a lesser amount if agreed to by the guardian and specified in the agreement under sub. (2) (b). A guardian or an interim caretaker who receives a monthly payment under par. (a) or (b) sub. (1) or (6) for the care of a child is not eligible to receive a payment under sub. (4) or s. 48.57 (3m) or (3n) or 48.62 (4) for the care of that child.

SECTION 1332v. 48.62 (6) of the statutes is amended to read:

48.62 (6) The department or a county department may recover an overpayment made under sub. (4) or (5) from a foster parent, guardian, or interim caretaker who continues to receive those payments by reducing the amount of the person's foster parent's monthly payment. The department may by rule specify other methods for recovering those overpayments. A county department that recovers an overpayment under this subsection due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

SECTION 1332w. 48.623 of the statutes is created to read:

48.623 Subsidized guardianships. (1) ELIGIBILITY. A county department or, in a county having a population of 750,000 or more, the department shall provide monthly subsidized guardianship payments in the amount specified in sub. (3) (b) to a guardian of a child under s. 48.977 (2) or under a substantially similar tribal law if the county department or department determines that the conditions specified in pars. (a) to (d) have been met. A county department or, in a county having a population of 750,000 or more, the department shall also provide those payments for the care of a sibling of such a child, regardless of whether the sibling meets the conditions specified in par. (a), if the county department or department and the guardian agree on the appropriateness of placing the sibling in the home of the guardian. A guardian of a child under s. 48.977 (2) or under a substantially similar tribal law is eligible for monthly subsidized guardianship payments under this subsection if the county department or, in a county having a population of 750,000 or more, the department determines that all of the following apply:

- (a) The child meets all of the following conditions:
  1. The child has been removed from his or her home under a voluntary agreement under s. 48.63 or under a substantially similar tribal law or under a court order containing a finding that continued placement of the child in his or her home would be contrary to the welfare of the child.
  2. The child has been residing in the home of the guardian for not less than 6 consecutive months.
  3. The child's situation precludes return of the child to his or her home or adoption as appropriate permanency options for the child.
  4. The child demonstrates a strong attachment to the guardian.
  5. If the child is 14 years of age or over, the child has been consulted with regarding the guardianship arrangement.

(b) The guardian meets all of the following conditions:

1. The guardian is a relative of the child or is a person who has a significant emotional relationship with the child and who, prior to the child's placement in out-

of-home care, had an existing relationship with the child that is similar to a familial relationship.

2. The guardian has a strong commitment to caring permanently for the child.

3. The guardian is licensed as the child's foster parent and the guardian and all adults residing in the guardian's home meet the requirements specified in s. 48.685.

5. Prior to being named as the guardian of the child, the guardian entered into a subsidized guardianship agreement under sub. (2) with the county department or department.

(c) An order under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 placing the child, or continuing the placement of the child, outside of the child's home has been terminated, or any proceeding in which the child has been adjudged to be in need of protection or services specified in s. 48.977 (2) (a) has been dismissed, as provided in s. 48.977 (3r).

(d) If the county department or department knows or has reason to know that the child is an Indian child, the Indian child's parent, Indian custodian, and tribe have been provided with notice of the child's placement in the home of the guardian under s. 48.977 (4) (c) 2m. and the court has found under s. 48.977 (4) (g) 4. that the home of the guardian is in compliance with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court found good cause, as described in s. 48.028 (7) (e), for departing from that order.

(2) SUBSIDIZED GUARDIANSHIP AGREEMENT. Before a county department or the department may approve the provision of subsidized guardianship payments under sub. (1) to a proposed guardian, the county department or department shall negotiate and enter into a written, binding subsidized guardianship agreement with the proposed guardian and provide the proposed guardian with a copy of the agreement. A subsidized guardianship agreement shall specify all of the following:

(a) The amount of the monthly subsidized guardianship payments that will be provided under the agreement and the manner in which those payments may be adjusted periodically, in consultation with the guardian, based on the circumstances of the guardian and the needs of the child.

(b) Any additional services and assistance for which the child or guardian will be eligible under the agreement, a description of those additional services and that additional assistance, and the procedures by which the guardian may apply for those additional services and that additional assistance.

(c) That the county department or department will pay the total cost of the nonrecurring expenses that are associated with obtaining guardianship of the child, not to exceed \$2,000.

(d) That the agreement shall remain in effect without regard to the state of residence of the guardian.

(e) That, in determining eligibility for adoption assistance under s. 48.975 and 42 USC 673 for the care of the child, the placement of the child in the home of the guardian and any payments made under sub. (1) shall be considered never to have been made.

(3) PAYMENTS. (c) 1. If a person who is receiving monthly subsidized guardianship payments under an agreement under sub. (2) believes that there has been a substantial change in circumstances, as defined by the department by rule promulgated under sub. (7) (a), he or she may request that the agreement be amended to increase the amount of those payments. If a request is received under this subdivision, the county department or department shall determine whether there has been a substantial change in circumstances and whether there has been a substantiated report of abuse or neglect of the child by the person receiving those payments. If there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by that person, the county department or department shall offer to increase the amount of those payments based on criteria established by the department by rule promulgated under sub. (7) (b). If an increased monthly subsidized guardianship payment is agreed to by the person receiving those payments, the county department or department shall amend the agreement in writing to specify the increased amount of those payments.

2. Annually, a county department or the department shall review an agreement that has been amended under subd. 1. to determine whether the substantial change in circumstances that was the basis for amending the agreement continues to exist. If that substantial change in circumstances continues to exist, the agreement, as amended, shall remain in effect. If that substantial change in circumstances no longer exists, the county department or department shall offer to decrease the amount of the monthly subsidized guardianship payments provided under sub. (1) based on criteria established by the department under sub. (7) (c). If the decreased amount of those payments is agreed to by the person receiving those payments, the county department or department shall amend the agreement in writing to specify the decreased amount of those payments. If the decreased amount of those payments is not agreed to by the person receiving those payments, that person may appeal the decision of the county department or department regarding the decrease under sub. (5).

3. A county department or the department may propose to a person receiving monthly subsidized guardianship payments that the agreement under sub. (2) (b) be amended to adjust the amount of those payments. If an adjustment in the amount of those payments is agreed to by the person receiving those payments, the agreement shall be amended in writing to specify the adjusted amount of those payments.

4. An agreement under sub. (2) may be amended more than once under subd. 1. or 3.

(d) The department or a county department may recover an overpayment made under sub. (1) or (6) from a guardian or interim caretaker who continues to receive those payments by reducing the amount of the person's monthly payment. The department may by rule specify other methods for recovering those overpayments. A county department that recovers an overpayment under this paragraph due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

(4) ANNUAL REVIEW. A county department or the department shall review a placement of a child for which the county department or department makes payments under sub. (1) not less than every 12 months after the county department or department begins making those payments to determine whether the child and the guardian remain eligible for those payments. If the child or the guardian is no longer eligible for those payments, the county department or department shall discontinue making those payments.

(5) APPEAL. (a) Any person whose application for payments under sub. (1) is not acted on promptly or is denied on the grounds that a condition specified in sub. (1) has not been met and any person whose payments under sub. (1) are decreased under sub. (3) (c) 2. or discontinued under sub. (4) may petition the department under par. (b) for a review of that action or failure to act. Review is unavailable if the action or failure to act arose more than 45 days before submission of the petition for review.

(b) 1. Upon receipt of a timely petition described in par. (a) the department shall give the applicant or recipient reasonable notice and an opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and to the county department or subunit of the department whose action or failure to act is the subject of the petition. That county department or subunit of the department may be represented at the hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant or recipient and to the county department or subunit of the department whose action or failure to act is the subject of the petition. The decision of the department shall have the same effect as an order of the county department or subunit of the department whose action or failure to act is the subject of the petition. The decision shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for review or shall refuse to grant relief if any of the following applies:

a. The petitioner withdraws the petition in writing.



b. The sole issue in the petition concerns an automatic payment adjustment or change that affects an entire class of recipients and is the result of a change in state law.

c. The petitioner abandons the petition. Abandonment occurs if the petitioner fails to appear in person or by a representative at a scheduled hearing without good cause, as determined by the department.

2. If a recipient requests a hearing within 10 days after the date of notice that his or her payments under sub. (1) are being decreased or discontinued, those payments may not be decreased or discontinued until a decision is rendered after the hearing but payments made pending the hearing decision may be recovered by the department if the contested action or failure to act is upheld. The department shall promptly notify the county department or the subunit of the department whose action is the subject of the hearing that the recipient has requested a hearing. Payments under sub. (1) shall be decreased or discontinued if the recipient is contesting a state law or a change in state law and not the determination of the payment made on the recipient's behalf.

3. The recipient shall be promptly informed in writing if his or her payments under sub. (1) are to be decreased or discontinued pending the hearing decision.

(6) (d) If the county department or department knows or has reason to know that the child is an Indian child, the county department or department provides notice of the Indian child's placement in the home of the interim caretaker to the Indian child's parent, Indian custodian, and tribe and determines that the home of the interim caretaker complies with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the county department or department finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

(7) RULES. The department shall promulgate rules to implement this section. Those rules shall include all of the following:

(a) A rule defining the substantial change in circumstances under which a person receiving monthly subsidized guardianship payments under sub. (1) may request that an agreement made under sub. (2) be amended to increase the amount of those payments.

(b) Rules establishing requirements for submitting a request under sub. (3) (c) 1. and criteria for determining the amount of the increase in monthly subsidized guardianship payments that a county department or the department shall offer if there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by the person receiving those payments.

(c) Rules establishing the criteria for determining the amount of the decrease in monthly subsidized guardianship payments that the department shall offer under sub. (3) (c) 2. if a substantial change in circumstances no longer exists. The criteria shall provide that the amount of

the decrease offered by the department under sub. (3) (c) 2. may not result in a monthly subsidized guardianship payment that is less than the initial monthly subsidized guardianship payment provided for the child under sub. (1).

SECTION 1332x. 48.645 (1) (a) of the statutes is amended to read:

48.645 (1) (a) The child is living in a foster home licensed under s. 48.62 if a license is required under that section, in a foster home located within the boundaries of a reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, in a subsidized guardianship home under s. 48.62 ~~(5)~~ 48.623, or in a residential care center for children and youth licensed under s. 48.60, and has been placed in the foster home, group home, subsidized guardianship home, or center by a county department under s. 46.215, 46.22, or 46.23, by the department, or by a governing body of an Indian tribe in this state under an agreement with a county department under s. 46.215, 46.22, or 46.23.

SECTION 1332y. 48.645 (2) (a) 1. of the statutes is amended to read:

48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster home having a license under s. 48.62, in a foster home located within the boundaries of a reservation in this state and licensed by the tribal governing body of the reservation or in a group home licensed under s. 48.625, a subsidized guardian or interim caretaker under s. 48.62 ~~(5)~~ 48.623 who cares for the dependent child, or a minor custodial parent who cares for the dependent child, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1) (d) for aid granted under this section except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 1333. 48.67 (intro.) of the statutes is amended to read:

48.67 Rules governing child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. (intro.) The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licen-

ment, the county department, the contracted agency, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the Indian tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

SECTION 1337e. 48.685 (5) (bm) (intro.) of the statutes is amended to read:

48.685 (5) (bm) (intro.) For purposes of licensing a foster home for the placement of a child on whose behalf foster care maintenance payments under s. 48.62 (4) will be provided or of providing subsidized guardianship payments to an interim caretaker under s. 48.623 (6), no person who has been convicted of any of the following offenses may be permitted to demonstrate that he or she has been rehabilitated:

SECTION 1339c. 48.685 (5m) of the statutes is amended to read:

48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department may refuse to provide subsidized guardianship payments to a person under s. 48.623 (6), and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a child care center, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may refuse to certify a child care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14), and a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or a child care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the child care center or child care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, child care center, or child care provider, substantially related to the care of a client.

SECTION 1339f. 48.685 (6) (a) of the statutes is amended to read:

48.685 (6) (a) The department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, the department in a county

having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) shall require any child care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department shall require any person who applies for subsidized guardianship payments under s. 48.623 (6), and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

SECTION 1340. 48.78 (2) (g) of the statutes is amended to read:

48.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing information about an individual in its care or legal custody on the written request of the department of regulation and licensing safety and professional services or of any interested examining board or affiliated credentialing board in that department for use in any investigation or proceeding relating to any alleged misconduct by any person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457. Unless authorized by an order of the court, the department of regulation and licensing safety and professional services and any examining board or affiliated credentialing board in that department shall keep confidential any information obtained under this paragraph and may not disclose the name of or any other identifying information about the individual who is the subject of the information disclosed, except to the extent that redisclosure of that information is necessary for the conduct of the investigation or proceeding for which that information was obtained.

SECTION 1341r. 48.975 (4) (a) of the statutes is amended to read:

48.975 (4) (a) Except in extenuating circumstances, as defined by the department by rule promulgated under sub. (5) (a), a written agreement to provide adoption assistance shall be made prior to adoption. An agreement to provide adoption assistance may be made only for a child who, at the time of placement for adoption, is in the guardianship of the department or other agency authorized to place children for adoption, in the guardianship of an American Indian tribal agency in this state, or in a subsidized guardianship under s. 48.62 (5) 48.623.

SECTION 1341v. 48.977 (3r) of the statutes is amended to read:

48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subject to s. 48.62 (5) (d), if a county department or, in a county having a population of 500,000 or more, the department has determined under s. 48.62 (5) (a) 2. that appointing a guardian under sub. (2) for a child who does not meet the conditions specified under s. 48.62 (5) (a) 1. and provid-

~~ing Subsidized guardianship payments under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized guardianship agreement under s. 48.623 (2) is entered into before the guardianship order is granted and the court either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child has been adjudicated in need of protection or services as specified in sub. (2) (a). If a child's permanency plan calls for placement of the child in the home of a guardian and the provision of monthly subsidized guardianship payments to the guardian are in the best interests of the child, the petitioner under sub. (4) (a) shall include in the petition under sub. (4) (b) a statement of that determination the determinations made under s. 48.623 (1) and a request for the court to include in the court's findings under sub. (4) (d) a finding confirming that determination those determinations. If the court confirms that determination and those determinations, appoints a guardian for the child under sub. (2), and either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child is adjudicated to be in need of protection or services as specified in sub. (2) (a), the county department or, in a county having a population of 750,000 or more, department shall provide monthly subsidized guardianship payments to the guardian under s. 48.62 (5) 48.623 (1).~~

SECTION 1341w. 48.977 (4) (g) 4. of the statutes is amended to read:

48.977 (4) (g) 4. If the child is an Indian child, the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing from that order. A strong attachment of the child to the person or a strong commitment of the person to caring permanently for the child does not, in itself, constitute good cause for departing from that order.

SECTION 1342. 48.981 (3m) (b) (intro.) of the statutes is amended to read:

48.981 (3m) (b) (intro.) The department shall establish a pilot program under which an agency in a county having a population of 500,000 or more or a county department that is selected to participate in the pilot program may employ alternative responses to a report of abuse or neglect or of threatened abuse or neglect. The department shall select an agency in a county having a population of 500,000 or more and not more than 4 agencies and county departments to participate in the pilot program in accordance with the department's request-for-proposal procedures and according to criteria developed by the department. Those criteria shall include an assessment of the plan of an agency or county department for involving the community in providing services for a family that is participating in the pilot program and a determination of whether an agency or a county department has an agreement with local law enforcement agencies and the representative of the public under s. 48.09 to

ensure interagency cooperation in implementing the pilot program. To implement the pilot program, the department shall provide all of the following:

SECTION 1342e. 48.983 (2) of the statutes is amended to read:

48.983 (2) FUNDS PROVIDED. (a) If a county, private agency, or Indian tribe applies and is selected by the department under sub. (5) to participate in the program under this section, the department shall award, from the appropriation under s. 20.437 (1) (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and (am). The minimum amount of a grant is \$10,000. The county, private agency, or Indian tribe shall agree to match at least 25 percent of the grant amount annually in funds or in-kind contributions.

(b) The department shall determine the amount of a grant awarded to a county, private agency, or Indian tribe under this section in excess of the minimum amount based on the need of the county, private agency, or Indian tribe for a grant, as determined by a formula that the department shall promulgate by rule. That formula shall determine that need based on the number of births that are funded by Medical Assistance under subch. IV of ch. 49 in that county, the area in which that private agency is providing services, or the reservation of that Indian tribe and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rates of those outcomes, in that county, the area in which that private agency is providing services, or the reservation of that Indian tribe.

SECTION 1342f. 48.983 (2) (c) of the statutes is created to read:

48.983 (2) (c) The department shall allocate 10 percent of the funds available from the appropriation account under s. 20.437 (1) (ab) in each fiscal year for grants under this section to counties, private agencies, or Indian tribes that have not previously received those grants.

SECTION 1346. 49.143 (2r) of the statutes is amended to read:

49.143 (2r) JOB PROGRAMS. A Wisconsin Works agency shall collaborate with the local workforce development board to connect individuals seeking employment with employment opportunities, including the trial job program under s. 49.147 (3) and, if operating in the geographical area in which the Wisconsin Works agency administers Wisconsin Works, the transitional jobs demonstration project under s. 49.162.

SECTION 1347c. 49.147 (2) (a) 1. of the statutes is amended to read:

49.147 (2) (a) 1. An individual who applies for a Wisconsin works ~~Works~~ employment position may be required by the Wisconsin works ~~Works~~ agency to search for unsubsidized employment during the period that his or her application is being processed as a condition of eli-

original order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days, or under s. 938.34 (3) (f) to impose more than a total of 180 days, of detention, nonsecure custody, or inpatient treatment on a juvenile.

SECTION 3526m. 938.38 (2) (f) of the statutes is amended to read:

938.38 (2) (f) The juvenile's care would be paid for under s. 49.19 but for s. 49.19 (20), except that this paragraph does not apply to a juvenile whose care is being paid for under s. 48.623 (1).

SECTION 3526h. 938.38 (4) (j) of the statutes is created to read:

938.38 (4) (j) If the juvenile is placed in the home of a relative or other person described in s. 48.623 (1) (b) 1. who will be receiving subsidized guardianship payments, a description of all of the following:

1. The steps the agency has taken to determine that it is not appropriate for the juvenile to be returned to his or her home or to be adopted.

2. If a decision has been made not to place the juvenile and his or her siblings, as defined in par. (br) 1., in a joint placement, the reasons for separating the juvenile and his or her siblings during the placement.

3. The reasons why a permanent placement with a fit and willing relative or other person described in s. 48.623 (1) (b) 1. through a subsidized guardianship arrangement is in the best interests of the juvenile. In the case of an Indian juvenile, the best interests of the Indian juvenile shall be determined in accordance with s. 938.01 (3).

4. The ways in which the juvenile and the relative or other person described in s. 48.623 (1) (b) 1. meet the eligibility requirements specified in s. 48.623 (1) for the receipt of subsidized guardianship payments.

5. The efforts the agency has made to discuss adoption of the juvenile by the relative or other person described in s. 48.623 (1) (b) 1. as a more permanent alternative to guardianship and, if that relative or other person has chosen not to pursue adoption, documentation of the reasons for not pursuing adoption.

6. The efforts the agency has made to discuss the subsidized guardianship arrangement with the juvenile's parents or, if those efforts were not made, documentation of the reasons for not making those efforts.

SECTION 3526m. 938.49 (2) (b) of the statutes is amended to read:

938.49 (2) (b) Notify the juvenile's last school district or, if the juvenile was last enrolled in a private school participating in the program under s. 118.60 or in the program under s. 119.23, the private school, in writing of its obligation under s. 118.125 (4).

SECTION 3526q. 938.57 (3) (a) 4. of the statutes is amended to read:

938.57 (3) (a) 4. Is living in a foster home, group home, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5).

SECTION 3527. 938.78 (2) (g) of the statutes is amended to read:

938.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing information about an individual in its care or legal custody on the written request of the department of ~~regulation and licensing~~ safety and professional services or of any interested examining board or affiliated credentialing board in that department for use in any investigation or proceeding relating to any alleged misconduct by any person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457. Unless authorized by an order of the court, the department of ~~regulation and licensing~~ safety and professional services and any examining board or affiliated credentialing board in that department shall keep confidential any information obtained under this paragraph and may not disclose the name of or any other identifying information about the individual who is the subject of the information disclosed, except to the extent that redisclosure of that information is necessary for the conduct of the investigation or proceeding for which that information was obtained.

SECTION 3528. 940.20 (7) (a) 3. of the statutes is amended to read:

940.20 (7) (a) 3. "Health care provider" means any person who is licensed, registered, permitted or certified by the department of health services or the department of ~~regulation and licensing~~ safety and professional services to provide health care services in this state.

SECTION 3529. 940.207 (title) of the statutes is amended to read:

940.207 (title) Battery or threat to department of ~~commerce~~ safety and professional services or department of workforce development employee.

SECTION 3530. 940.207 (2) (intro.) of the statutes is amended to read:

940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to cause bodily harm to the person or family member of any department of ~~commerce~~ safety and professional services or department of workforce development official, employee or agent under all of the following circumstances is guilty of a Class H felony:

SECTION 3531. 940.207 (2) (a) of the statutes is amended to read:

940.207 (2) (a) At the time of the act or threat, the actor knows or should have known that the victim is a department of ~~commerce~~ safety and professional services or department of workforce development official, employee or agent or a member of his or her family.


SECTION 3532. 940.22 (1) (a) of the statutes is amended to read:

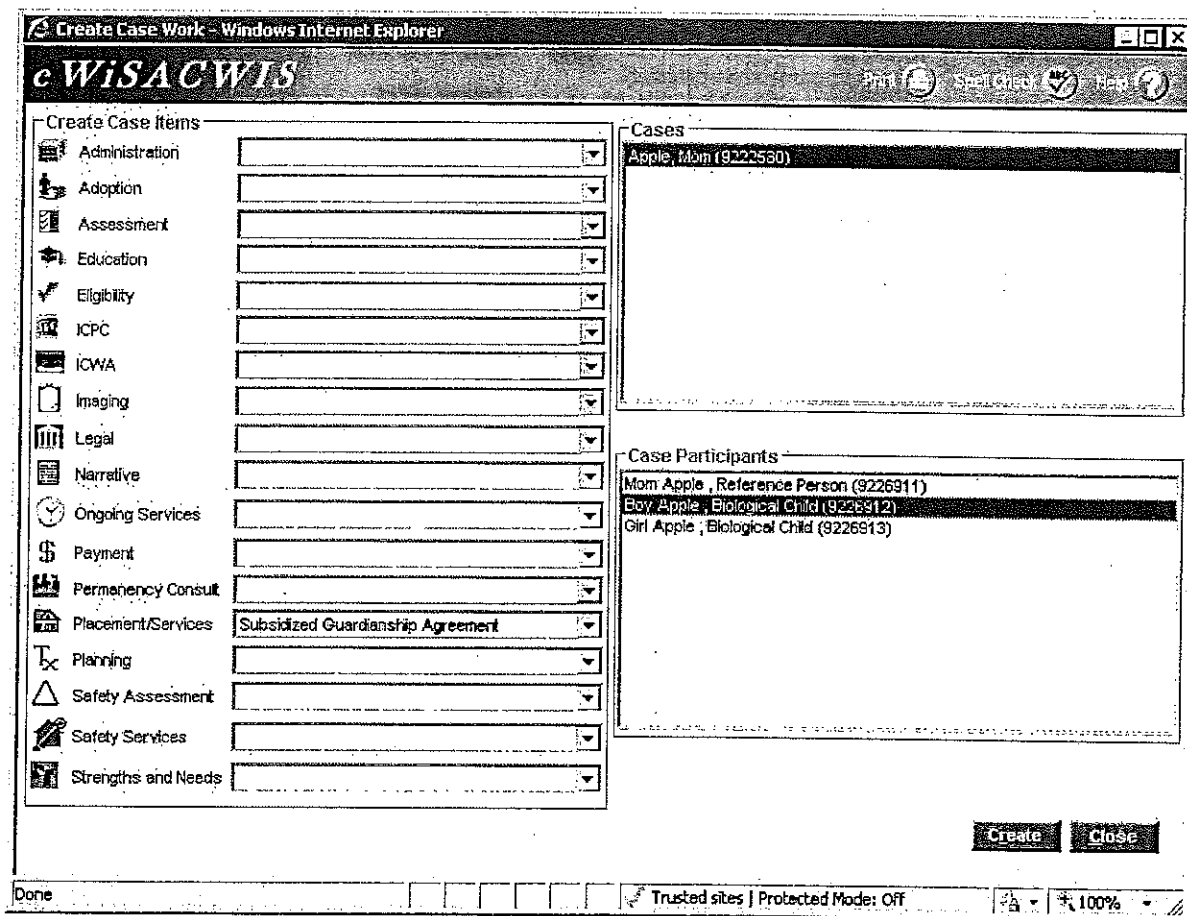
940.22 (1) (a) "Department" means the department of ~~regulation and licensing~~ safety and professional services.

## Subsidized Guardianship

**Note:** In order to document all work for subsidized guardianship, an assignment to the case is needed.

The Subsidized Guardianship functionality in eWiSACWIS tracks children that are a part of the IV-E Subsidized Guardianship program. These children are currently a part of a family case and are placed in an out of home placement with a relative or like-kin. Once the decision has been made for the child to achieve permanence through a guardianship that is eligible for the Subsidized Guardianship program, the child is deactivated from the biological family case for reason of 'Subsidized Guardianship' similar to how a child is deactivated from a case for reason of 'TPR.' Once a child is deactivated, an overnight process will end the current Out of Home Placement in the biological family case and will create a Subsidized Guardianship Service in the Subsidized Guardianship case. The following eWiSACWIS information supports the Subsidized Guardianship program and the creation of the Subsidized Guardianship case.

1. From your desktop, go up to Create > Case Work or click the Case Work hot button . This will open the Create Case Work page.
2. On the Create Case Work page, select Subsidized Guardianship Agreement from the Placement/Services drop-down. Select the appropriate Case and the Case Participant. Click Create. This will open the Agreements and Notices page.



The screenshot shows the 'Create Case Work' page in a Windows Internet Explorer browser window. The page title is 'eWiSACWIS'. The interface is divided into two main sections: 'Create Case Items' on the left and 'Cases' and 'Case Participants' on the right.

**Create Case Items:** This section contains a list of dropdown menus for selecting case items. The items are: Administration, Adoption, Assessment, Education, Eligibility, ICPC, ICWA, Imaging, Legal, Narrative, Ongoing Services, Payment, Permanency Consult, Placement/Services (selected: Subsidized Guardianship Agreement), Planning, Safety Assessment, Safety Services, and Strengths and Needs.

**Cases:** This section displays a list of cases. The first case is 'Apple, Mom (9222580)'.

**Case Participants:** This section displays a list of case participants. The participants are: 'Mom Apple, Reference Person (9226911)', 'Boy Apple, Biological Child (9226912)', and 'Girl Apple, Biological Child (9226913)'.

At the bottom right of the page, there are two buttons: 'Create' and 'Close'.

The browser window shows the address bar with 'Done' and the status bar with 'Trusted sites | Protected Mode: Off' and a zoom level of '100%'.

3. The Date of Agreement will default to today's date. If applicable, update the date. Search out the provider. Select the Provider Relationship (see the associated Details flare for additional information). If applicable, type the name of the Subsequent Guardian in the Subsequent Guardian field. Enter the agreement payment amount in the Agreement Amount field. Enter data in the Original Agreement Information group box, as indicated in the screen shot below. Under Options, select Subsidized Guardianship Agreement to open the template. Select the Approval option via the Options drop-down and click Go to approve the agreement. Click Save and Close.

Note: The provider associated with the agreement will automatically have the subsidized guardianship service type associated with it once the agreement is approved. The overnight eWiSACWIS process will use the agreement information to setup the effective date, provider, and payment amount in the Subsidized Guardianship case once the child is deactivated from the biological case.

The screenshot displays the eWiSACWIS web application interface within a Windows Internet Explorer browser window. The page title is "Agreements and Notices - Windows Internet Explorer". The application header shows "eWiSACWIS" with navigation icons. The main form is titled "Agreement Information" and contains the following fields:

Case Participant:	Apple, Boy	Date of Agreement:	07/31/2011
Agreement Type:	Subsidized Guardianship Agreement	Estimated End Date:	00/00/0000
Service Category:	Subsidized Guardianship	Agreement End Date:	00/00/0000
Service Type:	Subsidized Guardianship	Agreement Amount:	\$400.00
Provider Name:	Provider, Relative (9221543) <a href="#">Search</a>	Effective Date of Amend:	00/00/0000
Provider Relationship:	Relative <a href="#">Details</a>	Additional \$ per month:	\$0.00
Description:	description...		
Subsequent Guardian:		Amended Amount:	
		County:	Kenosha

Below the Agreement Information section is the "Parent(s)" section with dropdown menus for "Parent 1" (Mom Apple) and "Parent 2".

The "Original Agreement Information" section contains the following fields:

Physical:	0 Points - Not Identified	Child Specific Rate:	\$0.00
Emotional:	0 Points - Not Identified	Child Basic Rate:	\$0.00
Behavioral:	0 Points - Not Identified	Exceptional Amounts:	\$0.00

At the bottom, there is an "Options:" dropdown menu and a "Go" button. The "Save" and "Close" buttons are located at the bottom right of the form area.

The browser status bar at the bottom shows "Done", "Trusted sites | Protected Mode: Off", and a zoom level of "100%".

4. Additional pieces of work surrounding the Subsidized Guardianship case are: Legal Action, Legal Status, Court Documents, etc. From your desktop, open the child's Legal Record.

eWiSACWIS - Windows Internet Explorer

**eWiSACWIS** Case Manager Provider Work Search

Create Maintain Utilities Adoption Search Help

### Caitlin Cake's Desktop

☒ Date Restricted ☐ Participant View ☐ View Not Approved/Cancelled

▶ Ticklers

▼ Cases (1)

☐ Apple, Mom (9222580) Actions

Child Welfare 07/31/2011 Cake, Caitlin Kenosha - DCFS

- Access Reports
- Agreements and Notices
- Assets and Income
- Assignment
- Eligibility
- Legal
  - Legal Record
    - Apple, Boy 9226912 Guard. to Relative/Caretaker (48.977)
- Placements
- Related People

▶ Providers (1)

▶ Workers

▶ Approvals

▶ Access Reports

▶ Home Inquiries

- On the Legal Record page, click the Create Legal Action button.

Legal Record - Windows Internet Explorer

**WISACWIS**

General Information

Participant Name:	Apple, Boy	Person ID:	9226912	Participant DOB:	01/14/2008
Case Name:	Apple, Mom	Case ID:	9222580		

Legal Record

Legal Action:	Guardianship Petition	Date:	07/20/2011	<a href="#">Edit</a>	<a href="#">Create Legal Status</a>
Legal Status Result	New Legal Status	Hearing Date			
Petition Granted	Guard. to Relative/Caretaker (48.977)	07/31/2011	<a href="#">Edit</a>		
Legal Action:	Temporary Physical Custody Hearing	Date:	08/11/2010	<a href="#">Edit</a>	<a href="#">Create Legal Status</a>
Legal Status Result	New Legal Status	Hearing Date			
Request Granted	Temporary Physical Custody with Agency	08/11/2010	<a href="#">Edit</a>		

Legal Documents

Legal Document Name	Role in the Document	Created	Approved

[Create Legal Action](#) [Print Record](#) [Save](#) [Close](#)

Done Trusted sites | Protected Mode: Off 100%

- On the Copy Legal Action page, click Create.

Legal Action Copy - Webpage Dialog

**WISACWIS**

Case Information

Case Participant:	Apple, Boy	Person ID:	9226912
-------------------	------------	------------	---------

Legal Action Selection

Legal Action Initiated	Participant	Date	
Guardianship Petition	Apple, Boy	07/20/2011	<a href="#">Copy</a>
Temporary Physical Custody Hearing	Apple, Boy	08/11/2010	<a href="#">Copy</a>

[Create](#) [Close](#)



7. On the Legal Action page, enter data in the required fields for the Subsidized Guardianship action. Click Save and Close.

Legal Action -- Webpage Dialog

**eWiSACWIS** Print Spell Check Help

**General Information**

Case Participant: Apple, Boy Worker: Cake, Caitlin ICWA qualified experts

**Legal Action Details**

Legal Action Initiated: Subsidized Guardianship Court: Circuit

Judge: Judge's Name Court 2: Kenosha County Circuit Court, Kenosha County

Commissioner: Commissioner's Name Branch: 3

Tribal Contact:

**Court Number(s)**

Year	Code	Court Number	
11	GU	2343	Delete

Insert

**Legal Action Dates**

Legal Action Request / Referred to DA or Corp. Counsel: 07/20/2011

Consult Occurred: 00/00/0000 ☐ Decision Made Not to File

Follow-up Information Submitted: 00/00/0000

Filed: 00/00/0000

**Additional Information**

Options: Go Save Close

8. On the Legal Record page, click the Create Legal Status hyperlink next to the associated Subsidized Guardianship Legal Action.

Legal Record - Windows Internet Explorer

**eWISACWIS**

General Information

Participant Name:	Apple, Boy	Person ID:	9226912	Participant DOB:	01/14/2008
Case Name:	Apple, Mom	Case ID:	9222580		

Legal Record

Legal Action: Subsidized Guardianship	Date: 07/20/2011	<a href="#">Edit</a>	<a href="#">Create Legal Status</a>
Legal Status Result	New Legal Status	Hearing Date	<a href="#">Opens the Legal Status Copy</a>
Legal Action: Guardianship Petition	Date: 07/20/2011	<a href="#">Edit</a>	<a href="#">Create Legal Status</a>
Legal Status Result	New Legal Status	Hearing Date	
Petition Granted	Guard. to Relative/Caretaker (48 977)	07/31/2011	<a href="#">Edit</a>
Legal Action: Temporary Physical Custody Hearing	Date: 08/11/2010	<a href="#">Edit</a>	<a href="#">Create Legal Status</a>
Legal Status Result	New Legal Status	Hearing Date	
Request Granted	Temporary Physical Custody with Agency	08/11/2010	<a href="#">Edit</a>

Legal Documents

Legal Document Name	Role in the Document	Created	Approved

[Create Legal Action](#) [Print Record](#) [Save](#) [Close](#)

Done Trusted sites | Protected Mode: Off 100%

9. On the Legal Action Copy page, click the Create button.

Legal Action Copy - Webpage Dialog

**eWISACWIS**

Case Information

Case Participant:	Apple, Boy	Person ID:	9226912
-------------------	------------	------------	---------

Legal Action Selection

Legal Action Initiated	Participant	Date	
Guardianship Petition	Apple, Boy	07/20/2011	<a href="#">Copy</a>
Temporary Physical Custody Hearing	Apple, Boy	08/11/2010	<a href="#">Copy</a>

[Create](#) [Close](#)

10. On the Legal Status page, enter data in the required fields. Select Guard. To Relative/Caregiver (48.977) for the New Legal Status. Click Save then Close. Then click Close on the Legal Record page to return to your desktop.

**Legal Status — Webpage Dialog**

**cWiSACWIS** Print Seal Check Help

**Case Participant**  
 Name: Apple, Boy Previous Legal Status: Guard. to Relative/Caretaker (48.977)

**Court Outcome**  
 Legal Action: Subsidized Guardianship Result: Petition Granted  
 Applies To: Child Court: Circuit  
 Judge: Judge's Name Court 2: Kenosha County Circuit Court, Kenosha County  
 Commissioner: Commissioner's Name Branch: 3  
 Tribal Contact:  
 New Legal Status: Guard. to Relative/Caretaker (48.977) ☐ Protective Custody ☐ Under Appeal

**Initial Removal Court Findings**  
☐ CTW finding made (Continued placement of the child in his or her home would be contrary to the welfare of the child.)  
☐ REPR finding made (Reasonable efforts finding to prevent the removal of the child from the home were made.)

**Court Numbers**  
 11GU2343

**Legal Status Dates**

	Verified?		Verified?
Hearing/Legal Status Date: 07/31/2011	<input checked="" type="checkbox"/>	Next Court Date: 00/00/0000	<input type="checkbox"/>
Date Filed/Served: 00/00/0000	<input type="checkbox"/>	Court Report Due: 00/00/0000	<input type="checkbox"/>
Order Expiration Date: 00/00/0000		Court Report Submitted: 00/00/0000	

**Save Close**

11. From your desktop, click on the appropriate case name for the child who is to be deactivated for Subsidized Guardianship. This will open the Maintain Case page.

**cWiSACWIS - Windows Internet Explorer**

**cWiSACWIS** Create Maintain Utilities Adoption Search Help

**Caitlin Cake's Desktop**  
☒ Date Restricted ☐ Participant View ☐ View Not Approved/Cancelled

**Ticklers**

**Cases (1)**  
☐ Apple, Mom (9222580) Actions  
 Child Welfare 07/31/2011 Cake, Caitlin Kenosha - DCFS  
☒ **Click to Maintain Case**  
☐ Agreements and Notices  
☐ Assets and Income  
☐ Assignment  
☒ Eligibility  
☐ Legal  
☒ **Legal Record**  
 Apple, Boy 9226912 Guard. to Relative/Caretaker (48.977)  
☐ Placements  
☐ Related People

**Providers (1)**

12. On the Maintain Case page, select the DeActivate hyperlink for the child who is to be deactivated for reason of Subsidized Guardianship.

Maintain Case - ID: 8155722 - Windows Internet Explorer

**eWISACWIS**

Case: 9222580

Name: Apple, Mom Case Type: Child Welfare Status: Open 07/31/2011

County: Kenosha Site/Region: Kenosha - DCFS

CARES Case #: County Case #: ☐ Restricted

Address: **Participants** Closing/Map/History

Active Participants

Name	Hshid	DOB	Gender	Relationship	Legal	Prg	
Apple, Boy (9226912)	Y	01/14/2008	Male	Biological Child	Guard. to Relative (48.977)	N	DeActivate Remove
Apple, Girl (9226913)	Y	02/10/2009	Female	Biological Child	N/A	N	DeActivate Remove
Apple, Mom (9226911)	Y	05/16/1978	Female	Reference Person	N/A	N	DeActivate Remove

Number of Household Members: 3

Options:

Done Trusted sites Protected Mode: Off 100%

13. On the Participant Status page, select 'Subsidized Guardianship' in the Reason drop-down field. The Effective Date field will populate with the date that was entered in the Date of Agreement field on the Subsidized Agreement. Update the Effective Date to be the date of the hearing.

**Note:** This Effective Date will be the Begin Date for the Subsidized Guardianship Service that is created by an overnight eWiSACWIS process.

**Participant Status -- Webpage Dialog**

**eWiSACWIS**

**Participant Status**

Action Requested: DeActivate  
Name: Apple, Boy  
Worker: Caitlin Cake  
Reason: Subsidized Guardianship  
Date: 07/31/2011  
Effective Date: 07/31/2011

**New SG Case**

Case Type: Subsidized Guardianship  
County: Kenosha  
Site/Region: Kenosha - DCFS

**Participant History**

Status	Effective Date	Reason	Worker
--------	----------------	--------	--------

**Save Close**

14. In the New SG Case group box, the Case Type, County, and Site/Region will pre-fill from the Maintain Case page. Once you have verified all information is accurate, click Save.
15. Selecting 'Save' processes edits in order to ensure eWiSACWIS has the necessary information to create the Subsidized Guardianship Service. In order to get this information, eWiSACWIS processes the following online edits:
- Edit 1: ensures eWiSACWIS pulls the Subsidized Guardianship provider and the payment amount  
- The system verifies the child and case have an approved Subsidized Guardianship Agreement. If the agreement is missing, pending, or not approved the following error message will display: The child's original case is missing a Subsidized Guardianship Agreement, please create/approve a Subsidized Guardianship Agreement for this child prior to deactivating the child for reason of Subsidized Guardianship.
  - Edit 2: ensures that AFCARS errors have been corrected  
- The system verifies that the child does not have any AFCARS/Foster Care ticklers. If the child has AFCARS ticklers, the following error message is displayed: 'An AFCARS/Foster Care Exception tickler exists for this child. Please correct the exception (to delete the tickler) prior to deactivating the child for reason of Subsidized Guardianship.'

16. Once you click the Save button, the following pop up message will appear. Click the Yes button if you want to continue with the Subsidized Guardianship process.

**eWISACWIS -- Webpage Dialog** [X]

De-activation of Participant with reason 'Subsidized Guardianship' will result in the creation of a new Case. Continue?

**Yes** **No**

17. Selecting Yes to the above question will automatically create a new case for the child who has been deactivated and will immediately display the Maintain Case page for the new case. In addition, the Subsidized Guardianship case will automatically be assigned to the worker who deactivated the child (and to the State Subsidized Guardianship Default Worker for Milwaukee only) as soon as the above steps are completed. The child's new case will appear on the desktop of the worker that deactivated the child for reason of 'Subsidized Guardianship' (except for Milwaukee County workers). Click Close.

**Maintain Case -- Webpage Dialog** [X]

**eWISACWIS**

Case: 9222600

Name: Apple, Boy Case Type: Subsidized Guardianship Status: Open 07/31/2011

County: Kenosha Site/Region: Kenosha - DCFS

CARES Case #: County Case #: ☐ Restricted

**Participants** **Addresses** **Collateral** **Claims/Memo History**

**Active Participants**

Name	Hshld	DOB	Gender	Relationship	Legal	Prg	
Apple, Boy (9226912)	U	01/14/2008	Male	Reference Person	N/A	N	<a href="#">DeActivate</a> <a href="#">Remove</a>

Number of Household Members: 0 **Insert**

**Inactive Participants**

Options: ☐ **Save** **Print** **Close**

18. You will be returned to the Participant Status page. Click Close.

**Participant Status -- Webpage Dialog**

**c WISACWIS**      Print      Spell Check      Help

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**Participant Status**  
Action Requested: DeActivate  
Name: Apple, Boy  
Worker: Caitlin Cake  
Reason: Subsidized Guardianship  
Date: 07/31/2011  
Effective Date: 07/31/2011

**New SG Case**  
Case Type: Subsidized Guardianship  
County: Kenosha  
Site/Region: Kenosha - DCFS

**Participant History**

Status	Effective Date	Reason	Worker
Active	07/31/2011	null	Cake, Caitlin
(SG)	07/31/2011	Subsidized Guardianship	Cake, Caitlin

**Save**      **Close**

- July 2011



20. The information specific to the child in the family case will be copied over to the child's Subsidized Guardianship case through an overnight eWiSACWIS process. The process ends the Out of Home Placement in the biological family case and creates a Service with a Subsidized Guardianship service type in the Subsidized Guardianship case. The process also creates an Adoption Funding Determination record in the Subsidized Guardianship case. To access the Subsidized Guardianship case (without the information copied over yet), refresh your desktop by clicking the Cases icon.

eWiSACWIS - Windows Internet Explorer

**eWiSACWIS** Case Work Provider Work

Create Maintain Utilities Adoption Search Help

**Caitlin Cake's Desktop**

☒ Date Restricted ☐ Participant View ☐ View Not Approved/Cancelled

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▶ Ticklers

▼ Cases (1)

☐ Apple, Boy (9222600) Actions

Subsidized Guardianship 07/31/2011 Cake, Caitlin Kenosha - DCFS

Assets and Income

Assignment

Eligibility

Related People

☐ Apple, Mom (9222580) Actions

Child Welfare 07/31/2011 Cake, Caitlin Kenosha - DCFS

▶ Providers (1)

▶ Workers

▶ Approvals

▶ Access Reports

▶ Home Inquiries

21. Once the overnight process has occurred, you can access the Subsidized Guardianship case with the copied information.

**ewISACWIS - Windows Internet Explorer**

**ewISACWIS**

Create Maintain Utilities Adoption Search Help

**Caitlin Cake's Desktop**

☒ Date Restricted ☐ Participant View ☐ View Not Approved/Cancelled

Ticklers

Cases (2)

☐ Apple, Boy (9222600) Actions

Subsidized Guardianship 07/31/2011 Cake, Caitlin Kenosha - DCFS

Assets and Income

Assignment

☒ Eligibility

Legal

Related People

Services

Open Services

Service - Subsidized Guardianship

07/31/2011 Provider, Relative Apple, Boy Kenosha Approved

☐ Apple, Mom (9222580) Actions

Child Welfare 07/31/2011 Cake, Caitlin Kenosha - DCFS

Access Reports

Agreements and Notices

Assets and Income

Assignment

☒ Eligibility

Legal

Placements

Closed Placements

Out of Home Placement - Foster Home (0-4 years old)

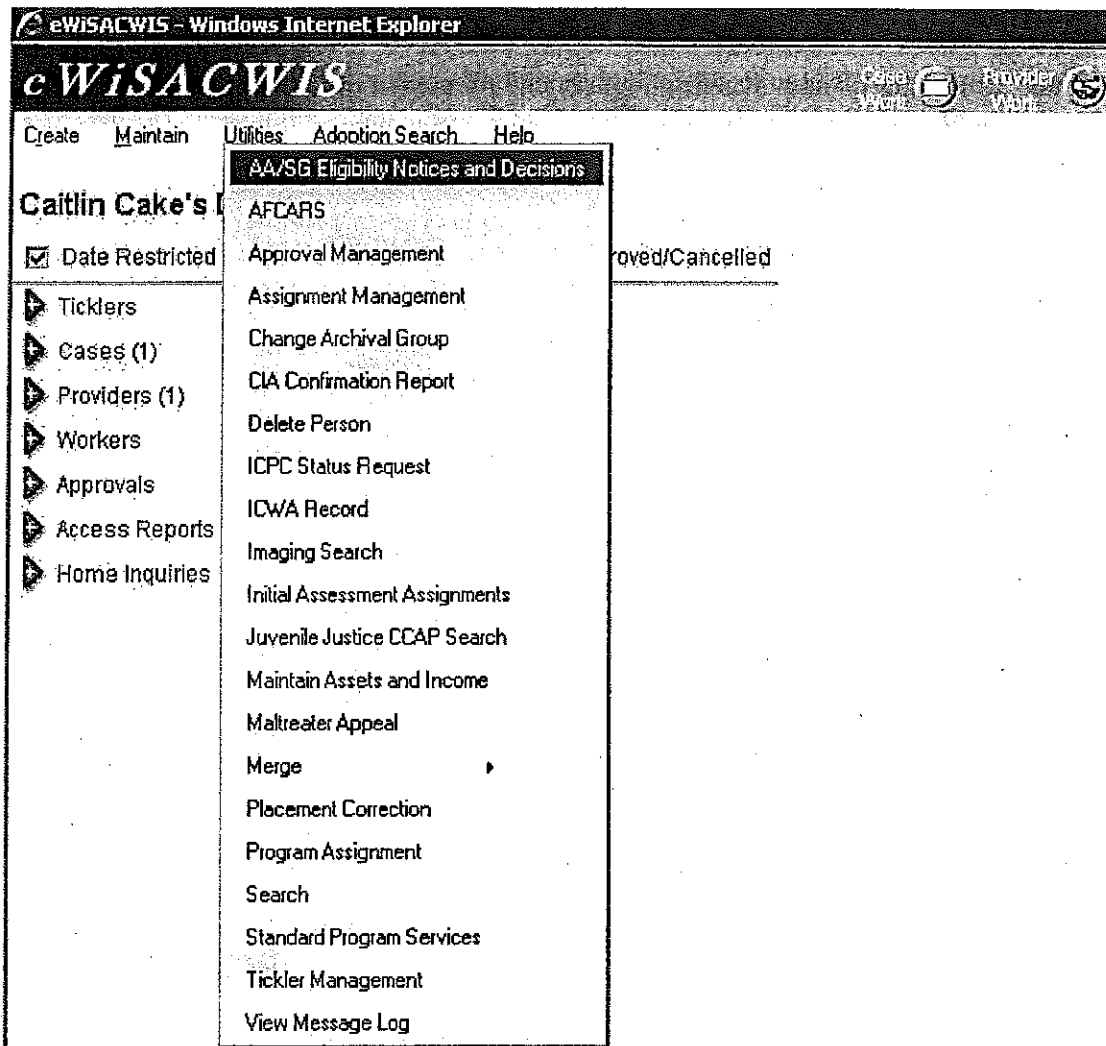
08/11/2010 07/30/2011 Provider, Relative Apple, Boy Kenosha Transfer of Guardianship Relative Closed

Related People

Providers (1)

## Subsidized Guardianship Notices and Decisions

1. There are two forms that must be sent out to the subsidized guardians. To access these forms, select Utilities > AA/SG Eligibility Notices and Decisions.



- On the AA/SG Eligibility Notices and Decisions page, select the Document Name of Advance Notice of Termination of Subsidized Guardianship At Age 18. The page will refresh and identify those children from your county that are expected to turn 18 in 120 days. Select the Select All checkbox to select all or select the checkbox next to each of the children you will be sending the notification for. After your selections have been made, click the Print button. This will open the documents for all of the children.

**Note:** This notice is used to collect high school information for the purpose of determining continued eligibility for Subsidized Guardianship after a child turns 18 years of age.

AA/SG Eligibility Notices and Decisions - Windows Internet Explorer

**WISACWIS**

Document Name: Advance Notice of Termination of Subsidized Guardianship At Age 18 County: Kenosha

Create Template

<input type="checkbox"/> Select All	Split Payment	Payee Name	Child Name	Turns 18	Graduation Date	Case ID	Decision	
<input checked="" type="checkbox"/>		Private Provider	SG, Daughter	07/05/2011		9222484	n/a	<a href="#">Delete</a>
<input type="checkbox"/>		Private Provider	SG, Son	07/05/2011		9222483	n/a	<a href="#">Delete</a>

[Print](#) [Save](#) [Close](#)

Done Trusted sites | Protected Mode: Off 100%

- Click the Print button to print all of the notifications. Then click the Close and Return to eWISACWIS button.

999999.0.rtf (Read-Only) [Compatibility Mode] - Microsoft Word

File eWISACWIS

Print Cut Copy Paste Zoom Spell Check Copy From Close and Return Check Bookmarks to eWISACWIS

### ADVANCE NOTICE OF TERMINATION OF SUBSIDIZED GUARDIANSHIP AT AGE 18

**Use of form:** This form is voluntary and is used to collect high school information for the purpose of determining continued eligibility for Subsidized Guardianship after a child turns 18 years of age. Personally identifiable information on this form is used to verify the information necessary for providing benefits and will be used only for this purpose.

**IN ORDER TO DETERMINE IF YOUR CHILD IS ELIGIBLE FOR SUBSIDIZED GUARDIANSHIP AFTER AGE 18, COMPLETE AND RETURN THIS FORM BY DUE DATE: 08/14/2011**

Provide Guardian's Names and Address Below:

Today's Date: 06/27/2011

**Child Information**

Name: PG, Douglas  
 Birthdate: 07/05/1993  
 18<sup>th</sup> Birthdate: 07/05/2011  
 Case ID Number: 9222484

**PRIVATE PROVIDER**  
 1111 W  
 MADISON WI

Mail or fax form to: Subsidized Guardianship Accountant, DCF, P.O. Box 9915, Madison, WI 53733.  
 Fax Number: (608) 264-8768 Telephone Number: (608) 555-9532

Name of high school your child attends: \_\_\_\_\_  
 Date of expected graduation from high school: \_\_\_\_\_ (mm/yyyy)

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Will your child be in a full-time high school / GED program after age 18?
<input type="checkbox"/>	<input type="checkbox"/>	Will you be supporting your child after age 18?
<input type="checkbox"/>	<input type="checkbox"/>	Is your child married? If "Yes", date of marriage: _____ (mm/yyyy)
<input type="checkbox"/>	<input type="checkbox"/>	Has your child entered the military? Date of military enlistment: _____ (mm/dd/yyyy)

**WHAT ARE THE REQUIREMENTS FOR A CHILD TO QUALIFY FOR SUBSIDIZED GUARDIANSHIP AFTER AGE 18?**

Your child must meet ALL of the following conditions to be eligible for Subsidized Guardianship (payment and Medical Assistance) after age 18:

1. Your child is attending high school or a GED program full-time after age 18.
2. You are supporting your child.

Page: 1 of 1 | Words: 447 | 100%

- On the AA/SG Eligibility Notices and Decisions page, click the Save button. This will remove the notifications from the list and update the AA/SG Eligibility Notices and Decisions Template History group box on the Adoption Assistance After Age 18 page and indicate they have been sent/printed.

**Note:** If the notice should not be sent, click the Delete hyperlink next to the associated notice. Click Yes to the pop-up to permanently remove the notice. This will remove the notice from the list and no copy will be saved.

- On the AA/SG Eligibility Notices and Decisions page, select the Document Name of Notice of Decision on Subsidized Guardianship Eligibility Status After 18. The page will refresh and identify those children from your county that are expected to turn 18 in 60 days. Select the Select All checkbox to select all or select the checkbox next to each of the children you will be sending the notification for. After your selections have been made, click the Print button. This will open the documents for all of the children.

**Note:** This form is used to notify guardians of their child's eligibility for Subsidized Guardianship after a child turns 18 years of age.

AA/SG Eligibility Notices and Decisions - Windows Internet Explorer

**WISACWIS**

Document Name: Notice of Decision on Subsidized Guardianship Eligibility Status After 18 County: Kenosha

Create Template

<input type="checkbox"/> Select	<input type="checkbox"/> Split	Payee Name	Child Name	Turns 18	Graduation Date	Case ID	Decision	
All	Payment							
<input checked="" type="checkbox"/>		Private Provider	SG, Daughter	07/05/2011		9222484	Stop 18	<a href="#">Delete</a>
<input type="checkbox"/>		Private Provider	SG, Son	07/05/2011		9222483	Stop 18	<a href="#">Delete</a>

[Print](#) [Save](#) [Close](#)

Done Trusted sites Protected Mode: Off 100%

6. Click the Print button to print all of the notifications. Then click the Close and Return to eWiSACWIS button.

999999.8.rtf [Read-Only] (Compatibility Mode) - Microsoft Word

File eWiSACWIS

Print Cut Copy Paste Zoom Spell Check Copy From Bookmarks Close and Return to eWiSACWIS

### Notice of Decision on Subsidized Guardianship Eligibility Status After 18

**Use of form:** This form is used to notify guardians of their child's eligibility for Subsidized Guardianship after a child turns 18 years of age. Personally identifiable information on this form is used to verify the information necessary for providing benefits and will be used only for this purpose.

Provide Guardian's Name and Address Below:

Today's Date: 06/27/2011

Child Information

Name: SC, Daughter

Birthdate: 07/05/1993

18<sup>th</sup> Birthdate: 07/05/2011

Case ID Number: 9222484

**PRIVATE PROVIDER**  
1111 W  
MADISON WI

---

BASED ON THE INFORMATION YOU PROVIDED, YOUR CHILD'S ELIGIBILITY FOR CONTINUED SUBSIDIZED GUARDIANSHIP IS INDICATED BELOW:

☒ I. Subsidized Guardianship (payment and Medical Assistance) will end the month of your child's 18<sup>th</sup> birthday. Your last payment will be in July 2011. Your child graduated from high school in 11/11.

☐ II. Subsidized Guardianship (payment and Medical Assistance) will end                     , the month of your child's graduation from high school. Your last payment will be in                     .

☐ III. Subsidized Guardianship (payment and Medical Assistance) will end the month of your child's 19<sup>th</sup> birthday. Your last payment will be in                     .

Page: 1 of 1 | Words: 322 | 100%

7. On the AA/SG Eligibility Notices and Decisions page, click the Save button. This will remove the notifications from the list and update the AA/SG Eligibility Notices and Decisions Template History group box on the Adoption Assistance After Age 18 page and indicate they have been sent/printed.

**Note:** If the notice should not be sent, click the Delete hyperlink next to the associated notice. Click Yes to the pop-up to permanently remove the notice. This will remove the notice from the list and no copy will be saved.

8. The Adoption Assistance After 18 page shows a history of the Subsidized Guardianship notices and decisions. To access the Adoption Assistance After 18 page, from your desktop expand the Subsidized Guardianship case and the Eligibility icon.

eWiSACWIS - Windows Internet Explorer

**eWiSACWIS**

Create Maintain Utilities Adoption Search Help

**Caitlin Cake's Desktop**

☒ Date Restricted ☐ Participant View ☐ View Not Approved/Cancelled

Ticklers

Cases (2)

☐ Apple, Boy (9222600) Actions

- Subsidized Guardianship 07/31/2011 Cake, Caitlin Kenosha - DCFS
- Assets and Income
- Assignment
- ☒ Eligibility
  - Adoption Assistance After 18 Apple, Boy
  - Adoption Funding Determination 07/31/2011 Apple, Boy
  - Title IV-E Eligibility Determination 05/10/2010 Apple, Boy
- Legal
- Related People
- Services

☐ Apple, Mom (9222580) Actions

- Child Welfare 07/31/2011 Cake, Caitlin Kenosha - DCFS

Providers (1)

Adoption Assistance After 18 - Windows Internet Explorer

**eWiSACWIS**

Child Information

Child Name: SG Daughter (9226832) DOB: 07/05/1993 Age: 19 SSN: 123-12-1234

High School Information

High School Name: High School

Anticipated high school graduation date: 06/05/2011

Date first High School information form signed: 00/00/0000

Date last High School information form signed: 00/00/0000

Eligibility After Age 18

Continuation of Adoption Assistance After Age 18

Eligibility After Age 19

Continuation of Adoption Assistance After Age 19

AA/SG Eligibility Notices and Decisions Template History

Document Name	Created	Decision	Printed	Not Printed
Advance Notice of Termination of Subsidized Guardianship At Age 18	04/07/2011	n/a	04/08/2011	
Notice of Decision on Subsidized Guardianship Eligibility Status After 18	04/07/2011	Stop 18	04/08/2011	

Insert

Save Close

Done

Trusted sites | Protected Mode: Off

100%




When a Subsidized Guardianship case is closed, the 'ReActivate' hyperlink will appear in the biological family case (Inactivate Participants group box). Select the ReActivate hyperlink to open the Participant Status page. Once the Participant Status page is completed and saved, the child's status will change to 'Active' which will allow workers to create case work for the child again in the family case.

July 2011



## Subsidized Guardianship Program BMCW August 2011



**CONTACT**

Janelle Brom, Child Specialist  
(608) 241-1473  
janelle.brom@wisconsin.gov

## Background

- In 2005, Wisconsin was granted a federal IV-E waiver demonstration project to implement a SG program in Milwaukee County. The waiver expired on July 31, 2011.
- The state budget (Act 32) authorizes SG as an option throughout the state, to be implemented via a IV-E state plan amendment. This will enable the SG program to continue in Milwaukee after the current waiver ends on July 31. The statutory changes are effective July 1st, with statewide implementation beginning on August 1, 2011.
- SG will be available to all counties to pursue in cases where this permanency option may be best suited for the child. Counties would use existing funding provided through the Children and Families Community Aids allocation to fund the SG payments.
- The SG payments to the family would be no more than the foster care payments that the county would pay the family in the absence of the SG program.

## Child Eligibility

- The child has been removed from his or her home pursuant to a voluntary placement agreement under s. 48.63 Wis. Stats., or under a substantially similar tribal law or under a court order containing a finding that continued placement of the child in his or her home would be contrary to the welfare of the child;
- The child is placed with the prospective guardian for at least 6 consecutive months immediately preceding the establishment of the guardianship.
- Reunification and adoption have been determined not to be appropriate permanency options for the child.
  - Placement preferences in accordance with WICWA shall be followed with any proposed permanent option for an Indian child and notice shall be sent to the tribe as required.
  - Tribal traditions shall be considered when choosing permanency options in the best interests of an Indian child.
- The child demonstrates a strong attachment to the prospective guardian; and
- If the child is age 14 or older, he or she has been consulted regarding the guardianship agreement.
- The guardianship is pursuant to s. 48.977 Wis. Stats., or a substantially similar tribal law in Wisconsin.

## \*Difference from Waiver\*


Length of time child with the provider,  
there are no exceptions to this.

Consultation with a youth who is over  
14.

There is no longer a designation of  
control or experimental.


## Siblings Exception to Child Eligibility

- Siblings of an eligible child may be placed in the same subsidized guardianship arrangement if the department or agency and the relative agree to the appropriateness of the arrangement for the sibling.
- SG payments, as authorized under s. 48.623 (1) Wis. Stats., may be made on behalf siblings under the same agreement



## Prospective Guardian Eligibility

- Guardian must be a relative (as defined by s. 48.02 (15))
- OR
- Have a "like-kin" relationship with the child.
  - "Like-kin" means a person who has a significant emotional relationship with the child or family similar to a familial relationship prior to the child's entry into out-of-home care
  - Examples: godparents, close family friends, a person who is in, or has been in, a committed relationship with a family member, parents or relatives of half-siblings, etc.



### \*Difference from Waiver\*

"Like-Kin" definition is tighter.

Unrelated foster parents who did not know the child prior to the child entering OHC do not qualify.

children + families

### Prospective Guardian Eligibility Continued...

The prospective guardian must be:

- ☐ licensed as a foster parent;
- ☐ approved for guardianship;
- ☐ have a strong commitment to permanently caring for the child;
  - ☐ This cannot be the sole reason to depart from Placement Preferences under WICWA
- ☐ a caregiver for the child for 6 consecutive months prior to guardianship; and
- ☐ Prior to being named guardian, enter into the SG Agreement; and
- ☐ Obtain guardianship under s. 48.977 Wis. or a similar tribal law and the underlying CHIPS, or tribal order is vacated.



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### \*Difference from Waiver\*

Length of time in care and with provider, no exceptions.



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### EXCLUDES

Chapter 54, 880, or previously existing 48.977 guardianships who were not included in BMCW Subsidized Guardianship Waiver through July 31, 2011.

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### Case Plan and Request for Guardianship Requirements

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### Determination of Appropriateness and Eligibility

- The agency, department, or tribe must document in the child's plan how it has been determined the child is appropriate for a subsidized guardianship.
- This is done by completing the Subsidized Guardianship Eligibility Determination and Permanency Plan Addendum DCF-F-2881-E
- This form shall be submitted to the court prior to the Guardianship Hearing with the petition for guardianship.
  - The petition for Guardianship must include a request to confirm determinations and a request to terminate the CHIPS, JIPS or tribal court order.

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- The prospective guardian shall also be provided a copy which includes the page of eligibility determination and the appeals process.
- If a prospective guardian is denied eligibility this form shall also be used to inform them of the denial, reasons why, and their right to appeal the decision.

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0893-3200/97/\$12.00  
DOI: 10.1037/0893-3200.12.4.545

[illegible][illegible]

20. <b>Company Data</b>		Name - Agency	
Name - (Print, 40 Characters)		Registration Code	
Name - (Print, 40 Characters)		Telephone Number (Print)	
Address - (Print, 40 Characters, Zip Code)		Telephone Number (Print)	
Name - (Print, 40 Characters)		Telephone Number (Print)	
Address - (Print, 40 Characters, Zip Code)		Telephone Number (Print)	
<b>REGISTRATION KEY INFORMATION</b>			
<input type="checkbox"/> Check register for the equipment described in previous questions. <input type="checkbox"/> Check previous question to determine if the previous question applies 1 and 2 to the related questionary program.			

- The Court must confirm that the determinations of eligibility have been met.
- The CHIPS, JIPS, or tribal court order must be terminated as part of the Order for Guardianship.


 DEPARTMENT OF CHILDREN + FAMILIES 11 months 57

- Children in a SG maintains eligibility as if they remained in foster care for:
  - Medicaid Title XIX (Form F-10115) regardless of state of residence
  - WI Shares
  - IL services if guardianship is obtained after the age of 15 ½ and the child has been in OHC for 6 months includes ETV funds.
- Child remains eligible for Adoption Assistance should the child later be adopted.
- Appendix A
  - This must be reviewed & signed with the prospective guardian.


 DEPARTMENT OF CHILDREN + FAMILIES
 

 DEPARTMENT OF SOCIAL SERVICES
 

 DEPARTMENT OF HEALTH

Annual Review Process?	Only on assessment instances.	No.	Yes.	Yes.
Personnel: Educator, the child and responsible person, multi-disciplinary?	Yes.	No.	No.	Yes.
Consent: Relative, English for adoption, Language: If later decides to adopt the child?	NA	No.	No.	Yes.
Documentation to make the agency or department if there is a change in circumstances?	Yes.	No.	Yes.	Yes.
Responsible for monitoring contact with the child's parents and biological family?	Yes.	Yes.	Yes.	Yes.
Child review meetings for YADA ONLY?	If the child qualifies for special needs according to DCF 50.	No.	Yes.	Yes.
Does a child in foster placement after age 11 get review alignment for IL services such as FFS, therapy?	Yes.	No.	Yes.	Yes.

- When a child is believed to be eligible for SG, the case worker must discuss the program with the family and prospective guardian.
- The SG Agreement (CFS-2365) must be prepared, reviewed with the prospective guardian, and signed prior to the Court entering the Guardianship Order.

[illegible]

- Shall be considered individually in computing the monthly payment amount which shall be based on the Uniform Foster Care Rates specified in s. 48.62 (4), Stats. and the difficulty of care levels specified in Ch. DCF 56.23. and the Uniform Foster Care Rate Setting Policy Section XII. (See Appendix B)
- UFCR Total Equals the Sum of the:
  - Basic Rate = the amount based on the age of the child at time of the SG Agreement being signed.
  - Supplemental Rate = based on the Child's Identified Needs rated a "2" or "3" from the CANS tool (*Algorithm Handout*).
  - Exceptional Rate = qualifying needs.

[illegible]

## SG Payment Amendments

- The monthly subsidized guardianship payment may be amended at a later date, except that no increase shall be made prior to 12 months from the original agreement or a prior rate determination.
- Only the Supplemental portion of the rate may be adjusted.
  - This portion of the rate may increase from the original guardianship assistance payment amount, but may not decrease below the original amount.
- Any amendment that increases the monthly subsidized guardianship amount shall be reviewed on an annual basis to assess the continued needs of the child.
- This portion of the rate may decrease from an amended rate if upon the annual review of the increased rate it is determined the child no longer has that need.
- The guardian shall be provided written notice of a decreased guardianship assistance payment and the right to appeal that decision.

Division of Children & Families

Adoptive Services

## \*Difference from Waiver\*

Subsidized Guardianship Payment amount MAY be Adjusted at a later date if the child's needs change.

Division of Children & Families

Adoptive Services

## Amendments for BMCW Waiver Cases

- Waiver families will be notified through correspondence of this change, but are not eligible for amendments to the SG payment until July 1, 2012.
- For amendments to Guardianship Assistance Agreements entered into prior to August 1, 2011 the Department, after receiving the Behavioral Review Forms shall review them in reference to Ch. DCF 56.11(2) & (3) or page 11 (UFCR Policy) to establish whether any modification to the supplemental portion of the guardianship assistance payment under the agreement shall be made.

Division of Children & Families

Adoptive Services

## Continued Eligibility after age 18

- Payments may continue:
  - Up to age 19 if the child is enrolled full-time in a high school program or an equivalent educational program or
  - Up to age 21 if the eligible child is a full-time student in high school or the equivalent and the department or agency determines that the eligible child has a mental or physical handicap which warrants the continuation of assistance under 42 USC 673, the eligible child is not eligible for other benefits such as supplementary social security income and the eligible child otherwise lacks adequate resources to continue in high school or the equivalent.

Division of Children & Families

Adoptive Services

## SG Payment Continuation Interim Caretaker

*In the event of the guardian's death, incapacitation, or the termination of the guardianship payment may continue to an interim caretaker if:*

- If the county department or department knows or has reason to know that the child is an Indian child, the agency or department must provide notice of the Indian child's placement in the home of the interim caretaker to the Indian child's parent, Indian custodian, and tribe, and determine that the home of the interim caretaker complies with the order of placement preferences in s. 48.028(7)(b), Wis. Stats., unless good cause as described in s. 48.028(7)(e) Wis. Stats., is found for departing from that order.
- The placement with the interim caretaker must be in the child's best interests, or Indian child's best interests in accordance with Wis. Stats. s. 48.01(2). The interim caretaker must meet safety requirements and the placement must be approved as being in the child's best interest by the public child welfare agency responsible for the guardianship agreement with the intent that the new caretaker seek to become the guardian or adoptive parent of the child or assists in locating a permanent resource for the child in accordance with Wis. Stats. s. 48.01(2).
- At a minimum, the agency or department must complete and the interim caretaker must agree to the following in order to approve an interim caretaker:
  - Complete background checks as established under ch. 48 and the determination that the individuals meet the requirements in s. 48.685 Wis. Stats.;
  - Have a review of the physical plant of the home by the approving agency; and
  - Have a safety assessment of the placement.
- Payments may be continued for a maximum of 12 months to allow time to assess the stability of the placement and to complete necessary legal proceedings, unless the placement is with the child's parents.

Division of Children & Families

Adoptive Services

## SG Payment Continuation Interim Caretaker Denials

- The county or department shall provide the Division of Safety and Permanence with a Negative Action Notice (DCF-F-CFS2191) when a decision to deny permission for a child to reside with an interim caretaker for a reason specified in s. 48.685 (4m)(a) 1. to 5. or (b) 1 to 5, Wis. Stats.
- Parents of a child are not eligible to be subsidized as interim caretakers or subsidized guardians for a child.
- In the event that a subsidized guardianship arrangement ends due to the death or incapacity of the guardian, or the transition to a new guardian is unclear or not possible, court jurisdiction over the child must be re-established and the child shall re-enter out-of-home care. Any new prospective guardian must meet the eligibility requirements stated earlier.



Division of Children & Families

Adoptive Services

### Suspension or Discontinuance - SG Payment

- The agency or department shall terminate a subsidized guardianship agreement if the following conditions exist:
  - The terms of the agreement have been reached, the child is now an adult
  - The guardian has requested a termination of the subsidized guardianship agreement.
  - The guardianship is vacated.
  - Upon the child's 18th birthday, unless the child remains a full-time student in high school or an equivalent educational program and the child is expected to graduate by his/her 19th birthday.
  - Cessation of legal responsibility of the guardian(s) for the child.
  - A determination that the child is no longer receiving support from the guardian(s).
  - The agency or department having guardianship of the child removes the child from the prospective guardian(s) prior to the establishment of the guardianship
  - The guardian fails to respond to the annual review questionnaire.

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### Suspension or Discontinuance - SG Payment Continued...

- The guardian must receive a written notice to terminate the subsidized guardianship agreement 15 days prior to the end of the payment, unless the child is no longer living with the guardian. This notice shall include the process to appeal the decision to terminate or suspend the agreement. A termination of the agreement for payment does not terminate a guardianship that has been established by a court.
- Agencies shall make a form available to be used to provide notification of the termination or suspension of a subsidized guardianship payment.
- If the guardian appeals a decision to terminate a subsidized guardianship payment within 10 days of the date of the notice to end the payment, then the agency must continue to make the payment until a decision is made by the Division of Hearings and Appeals.
- Payment may be reinstated if the agency or department receives verification that the reasons for the suspension of the subsidized guardianship payment no longer exist, such as a completed annual review questionnaire documenting the child's continued eligibility or that the guardian has regained legal responsibility for the child.

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### Examples when Guardian may no longer be responsible for the child include:

- Upon the child's death, marriage, or entry into the military.
- Upon the death of the guardian in a single parent family or the death of both guardians in a two-parent family.
- A decision is made by the agency, department, court, or similar agency in Wisconsin or another state to remove the child from the guardian's care and place the child into out-of-home care for either child protection, juvenile justice, or mental health reasons.
- The child is no longer living with the guardian.

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### Annual Questionnaire

- The agency or department shall send out an annual review questionnaire to verify continued eligibility. The guardian shall return the completed annual review questionnaire within 30 days of receipt in order to continue to qualify for subsidized guardianship payment.
- The annual review questionnaire must be documented using the form created by the department. The annual review questionnaire shall include questions related to the child's or guardian's continued eligibility for a subsidized guardianship payment. The review forms shall be sent to the guardian receiving a subsidized guardianship payment 60 days prior to the annual review date with a second notice sent at 30 days if the agency has not yet received the review form back. Upon receipt of the annual review form from the guardian, the agency shall document in the child's electronic care record the receipt and continued eligibility of the child.
- The agency or department shall make the Annual Review form available to guardians for their use in informing the agency or department of status changes to the child's or guardian's eligibility at the time the subsidized guardianship agreement is signed.

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### Payment Suspension or Termination

- Upon receipt of the annual review the agency shall terminate payments immediately when the agency is notified that either the child or guardian no longer meets eligibility criteria.
- Upon failure of the guardian to return the annual review questionnaire during the 60 day time period, the agency shall provide notice to the guardian that payments will be suspended immediately until the agency receives information confirming the continued eligibility of the child and guardians for subsidized guardianship payments.

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### \*Difference from Waiver\*

Payment suspension for failure to return the Annual Review.

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### Appeals of Decisions

1. A denial of eligibility or a payment determination in the SG agreement,
  2. A decision to deny an adjustment to the subsidized guardianship payment, or
  3. A decision to decrease or terminate a subsidized guardianship payment.
- Appeals must be made in writing to the Division of Hearings and Appeals within 45 days of the date of the notice to deny eligibility, deny the adjustment to payment or the decision to terminate payments. An appeal requested shall be filed not more than 45 days after the date of the notice of the decision. An appeal shall be considered filed if received by the division of hearings and appeals not more than 45 days after the date of notification of the decision. An appeal or review requested more than 45 days after that date shall be denied.
  - The deadline for an appeal and the address to the Division of Hearings and Appeals must be provided to the prospective or current guardian of the child in any written correspondence conveying the decision of the agency or department to terminate or deny a subsidized guardianship payment.
  - The address to send an appeal is:
 

Division of Hearings and Appeals  
 P.O. Box 7875  
 Madison, Wisconsin 53707

WISCONSIN DEPARTMENT OF CHILDREN & FAMILIES

### eWiSACWIS Documentation

Rick Miracola or Bob Kiel

WISCONSIN DEPARTMENT OF CHILDREN & FAMILIES

### Releases for eWiSACWIS involving SG

- **Currently Available:**
  - Ability to open a Subsidized Guardianship case,
  - Subsidized Guardianship Agreement form,
  - Notice of Decision on Subsidized Guardianship Eligibility Status After Age 18, and
  - Decision on Subsidized Guardianship Eligibility Status After Age 18
  - The How Do I Guide is attached at the end of this memo
- **October Release will include:**
  - Automation of the Rate Setting Process,
  - Scanning capacity for required documentation, and
- **February Release will include:**
  - Subsidized Guardianship Eligibility Determination and Permanency Plan Addendum,
  - Annual Review Questionnaire and
  - Amendment process and related forms.


**Note:** No case is eligible for an Annual Review or a Payment Amendment until a year from the date of the agreement or effect of the new law for existing cases in Milwaukee. The forms for both of these processes will be developed and issued prior to the February release.

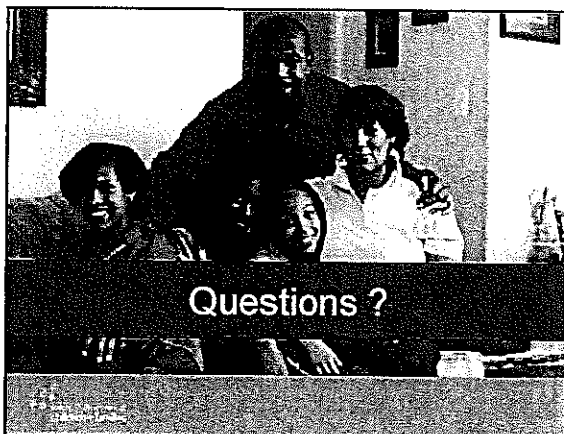
WISCONSIN DEPARTMENT OF CHILDREN & FAMILIES

### Subsidized Guardianship

**Note:** In order to document all work for subsidized guardianship, an assignment to the case is needed.

The Subsidized Guardianship functionality in eWiSACWIS tracks children that are a part of the IV-E Subsidized Guardianship program. These children are currently a part of a family case and are placed in an out of home placement with a relative or like-kin. Once the decision has been made for the child to achieve permanence through a guardianship that is eligible for the Subsidized Guardianship program, the child is deactivated from the biological family case for reason of "Subsidized Guardianship" similar to how a child is deactivated from a case for reason of "TPR". Once a child is deactivated, an overnight process will end the current Out of Home Placement in the biological family case and will create a Subsidized Guardianship Service in the Subsidized Guardianship case. The following eWiSACWIS information supports the Subsidized Guardianship program and the creation of the Subsidized Guardianship case.

1. From your desktop, go up to Create > Case Work or click the Case Work hot button . This will open the Create Case Work page.
2. On the Create Case Work page, select Subsidized Guardianship Agreement from the Placement/Services drop-down. Select the appropriate Case and the Case Participant. Click Create. This will open the Agreements and Notices page.



Questions ?

WISCONSIN DEPARTMENT OF CHILDREN & FAMILIES

